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EMIGRANT LABOUR
FOR
ASSAM TEA GARDENS

“Pay the labourer before his perspiration dries.”

PROPHET MUHAMMAD

EMIGRANT LABOUR FOR ASSAM TEA GARDENS

BY

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(1937—39)



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FOREWORD

BY MRS. VERA ANSTEY, D Sc (Econ)

SEVEN years ago Mr. S. M. Akhtar was awarded the Ph. D. degree of London University for a thesis on the Indian Tea Industry and Trade. The work had been prepared under my supervision, and I greatly regretted that publication proved impracticable at that time. Since then Mr. Akhtar has been engaged in University teaching in India, and he has now decided to bring up-to-date and publish that part of the thesis which deals with the recruitment and conditions of work of labourers on the Assam Tea Gardens.

The work gives a straightforward account of the development of demand for plantation labour in Assam, of the various methods of recruitment which have been employed, of conditions of life and work on the plantations, and of the legislation affecting recruitment and conditions of life and work.

Legislative control originated in 1853. This did not at first succeed in eradicating the terrible evils which resulted from the transference of many thousands of illiterate peasants to entirely new work and surroundings, under contracts which gave them a status not far removed from that of slaves, but amendments were gradually introduced which eventually abolished the worst abuses, until in 1928 the Whitley Commission was able to conclude that the plantation labourers' conditions of work and earnings were definitely superior to those prevailing in the areas of recruitment. Since then the Act of 1932 has made

further provision for the protection, welfare and (if desired) repatriation of this important body of wage-earners.

There is, however, no reason for complacency. Although the worst abuses of what used to be little better than wage-paid slavery have been eliminated, average earnings - especially since the depression of 1930 and the subsequent introduction of the International Tea Restriction Scheme-- are woefully low, whilst nothing has yet been done to implement several of the important recommendations of the Whitley Commission.

Mr. Akhtar shows clearly and concisely what has been accomplished and what reforms are still urgently needed. Let us hope that his book may help to inform public opinion and hasten the necessary legislative and administrative measures.

LONDON SCHOOL OF ECONOMICS,
JULY, 1939.

PREFACE

MY thesis on the 'Development of the Indian Tea Industry and Trade' was accepted by the London University for the Ph. D. degree in 1932. For various reasons its publication was delayed; and when some months ago I decided to bring it out, it seemed to me, that due to the passage of seven years since it was originally written, the book required more time and labour than I could devote to it in view of my present interest in problems more immediately concerning my own province. On a second thought, however, I decided to publish that portion of my thesis which dealt with the labour problems of the industry so far as it was located in the province of Assam.

Several considerations led me to this choice. In addition to requiring less time and labour for bringing the subject up to date, the labour problems of the Assam Tea Industry presented certain peculiar and in a way unique features which required investigation and exposition. The scarcity of native labour force, the necessity of recruitment from distant provinces, the comparative inaccessibility of the province of Assam in early years, the evils of the recruitment through contractors, the stories partly fabulous but mostly true of the inhumanities perpetrated by the early planters and their recruiting agents on the unfortunate emigrant 'coolie', the state interference through a long series of legislative enactments regulating the system of recruitment and conditions on gardens, the agitations, the heart-burnings, the protests, and all the political repercussions caused by conditions of labour in Assam, and the way the government handled or failed to handle the situation

from time to time—all presented a fertile field for investigation.

Fact had to be sifted from fiction; evils and their remedies had to be viewed in the perspective of history; the present had to be cleared of the mud of the past; lessons had to be learnt from the lap of experience, accomplishments and limitations of state interference had to be evaluated. This was an exciting experience indeed, and was worth a little more time and toil to share it with the public.

It is not for me to judge how far I have succeeded in my aims. I shall, however, be satisfied if this historical exposition of the subject leads to a better understanding between the industry and the public and a still greater improvement in the conditions of life and work on the Tea gardens of Assam.

In the end, I wish to offer my sincerest thanks to Mrs. Anstey who was extremely helpful and kind to me when I was preparing my thesis under her supervision in London and has enhanced this debt of gratitude by writing a foreword to this book. Finally my thanks are due to my wife who was a source of inspiration and encouragement throughout the progress of my work in London and who is also responsible for supplying the index to this volume.

ISLAMIA COLLEGE, LAHORE.
OCTOBER 1ST, 1939.

S. M. AKHTAR.

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EMIGRANT LABOUR FOR ASSAM
TEA GARDENS

CHAPTER I

INTRODUCTORY

IT has been estimated that the total area under tea in the world is about four million acres, and the total production is nearly 2,000 million pounds. About half of it is produced in China and about one quarter in India. In the pre-depression year (1929) the total world exports of tea were 900.8 million lbs. India contributed 380.4 million lbs. or about 42 per cent of this total.

The total area under tea in India in 1936 was 834,300 acres which produced 395,181,000 lbs. of tea. The percentage share of each tea-producing province both as regards area and production was as given below:—

<i>Province</i>	<i>Area</i>	<i>Production</i>
	%	%
Assam	52.6	56.6
Bengal	25.6	25.6
Southern India	19.4	16.4
Northern India	1.9	1.1
Bihar	.5	.3
	<hr/>	<hr/>
	100.0	100.0

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It will be seen that Assam is by far the most important tea-producing province of India. Next comes Bengal with Darjeeling, Dooars and Terai as its tea-growing areas.

The districtwise distribution of tea in Assam in 1936 was as follows:—

District	Area (1,000 acres)	Production (mill: lbs.)
Cachar	281.0	22.2
Sylhet	336.0	40.5
Goalpara	14.5	2.0
Darrang	26.6	1.6
Nowgong	237.4	32.8
Lakhimpur	363.7	67.5
Sibsagar	371.0	50.9
Sadiya Frontier Tract	3.2	.2
 Total	 1,682.9	 223.3

The districts of Cachar and Sylhet are together known as the Surma Valley, and the other five districts are called the Assam Valley.

The indigenous tea plant was found growing wild in upper Assam in 1834, when arrangements were being made by the Company's government to import tea plants from China for the purpose of starting tea culture in certain localities in India. After a number of experiments with the imported as well as indigenous plant it was found that the

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Assam plant was best suited for the purpose of growing on a commercial scale. The first consignment of Assam tea produced under Government supervision was shipped to London in May 1838 and was auctioned in the Mincing Lane early in 1839. It commanded fancy prices and the brokers expressed high opinions of its quality. The possibility of producing tea in India on a commercial basis being thus established beyond doubt, the Government transferred the enterprise to private hands. A company named the Bengal Tea Company was formed in Calcutta in 1839, and the same year a joint stock company was formed in London. The two companies almost immediately amalgamated into the famous Assam Company.

It was quite natural that, during the early years of its enterprise, the Assam Company should commit blunders. The gardens were isolated from business quarters in Calcutta; there was lack of technical knowledge; then the hopes of profits were so wild that the company did not hesitate in spending extravagantly on new enterprises. Great extensions of land were made without attention to the quality of the soil. The result was that the company found itself in early forties on the verge of bankruptcy. It was, however, saved from this catastrophe by the wisdom and energy of pioneers like H. D. Morney, George Williamson and Col.

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Hanney. It was not until 1852 that the company was able to declare its first dividend to its shareholders. From this time on the number of tea companies increased rapidly, and so did the area under tea cultivation in the various parts of India. By the end of the century the Indian tea had become so important that it had ousted the China product from the greatest tea-consuming market, *i. e.*, the United Kingdom.

During its hundred years of life, the Indian Tea Industry has passed through many ups and downs, but, after the early difficult years were over, the soundness of the enterprise has never been seriously questioned. On account of their strong organisation the tea planting interests have always been able to steer the industry through difficult times without serious damage. There has, however, been one great problem which the industry, especially in Assam, has had to face from its very birth, and it is difficult to say that the final solution has been obtained even to this day. This is the problem of the supply of labour.

The labour problem has been more acute in the case of Assam, partly, because of the scantiness of its native inhabitants and their lethargic character, and partly on account of the great distance which separates the tea areas of this province from the more thickly populated areas of India. Although

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the journey is still long and expensive, in the early days of tea enterprise the Assam division of Bengal, as it was then called, was almost inaccessible for purposes of free labour movement. As the planters in their great need were willing to offer high rewards to those who undertook to supply labourers for their gardens, a vicious system of supply through contractors emerged, the evils of which became so revolting that they attracted the attention of the Government. Then followed a long series of legislative enactments with a view to control the emigration of labour to Assam, the last of which measures was passed in 1932. The following pages is an attempt to trace this policy of state control through its various phases, in order that we may be able to judge the effectiveness of these measures in their historical perspective, with a view to obtain guidance for the future. This legislative control is unique in the sense that the labour supply to no other industry in India (including tea industry outside Assam) has been subjected to such a control. The study will incidentally throw light on the limitations of state interference in the economic field especially where such an interference seeks to modify the normal trends of economic and social forces.

CHAPTER II

ABUSES OF UNCONTROLLED EMIGRATION

BY its very nature the production of tea requires a large labour force. The clearing of the jungle for new gardens, the levelling up of the surface, the sowing, weeding, pruning, plucking and all the details of manufacture necessitate a large number of hands to carry out the work efficiently. This need was felt very keenly in Assam from the early days of the enterprise, and even to this day, when machinery has displaced a large number of hand operations, it constitutes the main problem of the industry.

The Assam division of Bengal, as already noted, was far removed from the centres of civilization and was to a great extent covered with thick jungle where the early indigenous plant was found growing wild. The native Assamese population, which formed the bulk of the scanty inhabitants, was not suited for the hard physical labour required by the tea gardens. The habit of opium eating to which 70 per cent of the people were addicted, combined with the enervating damp climate, had reduced them to a state of lethargy, apathy and listlessness. The abun-

ABUSES OF UNCONTROLLED EMIGRATION

dance of fertile land which without any hard work gave them plenty to satisfy their meagre wants, made them ill-disposed to take to a calling like working for hire which was, according to their religious and social prejudices, something below the respectability of a high-caste Hindu. The Cacharis, however, were a better and finer race, but they were very limited in number, while the hill tribes—the Bhutias, Abors, Mishmis and the like—were of predatory habits and preferred a more ‘lively’ way of getting their living than toiling on the limited area of an Assam tea garden. Some of these latter classes, however, were employed by the Assam Company and later by the Jorehaut Company but it was realised soon after the establishment of the Industry, that the local supply was not enough to meet the growing demand for labour.

Various devices were suggested by the planters and some of the civil officials of the Government, to stir up the local population to activity. Mr. Williamson, one of the earliest experimentalists, for instance, wrote, in November 1859 “As to the measures which the Government could adopt to assist the tea planters in extending the cultivation of tea, I think a moderate increase in the land revenue would in some degree tend towards this object and might be carried out without detriment. A decrease in the opium cultivation would also cause a greater

EMIGRANT LABOUR FOR ASSAM TEA GARDENS

number of labourers to work on tea plantations.¹" Captain E. P. Rowlett, collector of Kamroop, wrote to the Commissioner of Assam in October 1859. "By raising the rates, the profits on ordinary cultivation would of course be decreased. This I think in the present state of affairs is desirable, for cultivation of the common crops is now so profitable that all classes take to agriculture alone as means of subsistence, all other means of obtaining a livelihood are, therefore, neglected; trade is entirely in the hands of foreigners; handicrafts of any kind are not pursued; and labourers for hire and even domestic servants are procurable only with difficulty and at a high rate of wages."² Similar opinions were expressed by a large number of planters and district officers. Commenting on these suggestions, Col. F. Jenkins, Agent to the Governor-General, N. East Frontiers, wrote, "The Government tax on land may be, as it has been, gradually enhanced from time to time as money becomes abundant in the Province or on other considerations, but I see no reason why the social improvement of the people should be checked and they be reduced to the unaccustomed misery of hard work merely to

1. *Papers Relating to Tea in Assam*, Bengal Government Records. Vol. XXXVII, p. 48.

2. *Ibid.*, p. 9.

ABUSES OF UNCONTROLLED EMIGRATION

provide cheap and abundant labour, when it is sufficiently evident that the profits of the planters are very great from the number of speculators continually pouring into the province.¹" The revenue was, however, increased and the private cultivation of the poppy was stopped and in its place opium was supplied by the "abkari" system under Government control. It does not seem that these measures had the desired effect. The consumption of opium increased more rapidly than ever.

It was, therefore, realised from an early period that the industry could not develop on local labour supply. Gradually the necessity drove the planters to resort to the importation of labour from the neighbouring districts of Bengal. In 1859, Mr. Williamson had suggested that "a steady flow of emigrant labour into the province is, I think, the principal means by which the cultivation of the tea plant can be extensively increased. An emigration scheme to be successful would require to be conducted under the auspices of the Government and a fund for the purpose provided by the tea planters.²" This was quite a reasonable suggestion especially in those days of ignorance and extreme

1. *Ibid.*, p. 4.

2. *Assam Tea Correspondence*, Bengal Government Records, Vol XXXVII, p. 48.

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self-interest. But the Government remained for some time committed to the policy of *Laissez-faire* and the correspondence of 1859 closed by the Government's saying that "Nothing can be done by the Government till the scheme for immigration of all the planters is stated¹". The Government, however, promised that it "will give any assistance it properly can to the scheme set on foot by the Tea-Planters Association for organizing a system of importing labour into Assam".² The matter rested there for some years and opportunity was given to a private system of labour traffic to come into existence, uncontrolled by any responsible authority. The consequences of this play of uncontrolled self-interest were most deplorable.

The system that grew up was a system of labour supply by contractors. The latter recruited people in large numbers from districts, like Chota Nagpore and Cooch Behar, brought them to their "depots" in Calcutta and then conveyed them to Assam by steamer boats over the Brahmaputra River, a journey of three weeks to one month, and then handed them over to the planters in return for a fixed amount of money per head. The system was not as harmless as it sounds. The contractors were

1. *Ibid.*, p. 73.

2. *Ibid.*, p. 39.

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absolutely unscrupulous and the planters anything but sympathetic and the consequences were most deplorable. Mr. Lees who had a great interest in the industry, writing in 1865 says "Coolies¹ were contracted by private parties as so many sheep or bullocks, the contractors receiving a certain sum for those who arrived in the district and for those who died en route but none for deserters²." About the methods of recruitment, he says, "False representation, corruption, oppression of every and the worse description were used to swell the number of the contractors recruits". And the types of persons recruited were "the old and decrepit, the young and tender, nay even the infected, the diseased and the dying were pressed into service of these most degraded of crimps." There was no Government protection, no medical examination. When they arrived at the depots they were located "in places the pestilential vapours of which generated by the odour and filth were deadly to human life. Many in these cesspools contracted the germs of distemper and disease and in this state were placed in gangs on board boats to be sent to their final destination. Here crowded and huddled

1 It is wrong to use the term 'coolie' for a garden labourer because "coolie" means a low class porter and is an obnoxious term.

2. *Tea Cultivation in India*, by W. N. Lees, LL. D. 1866, p. 338.

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together and compelled to live in a state of uncleanliness revolting to human nature as might be expected, Cholera and other malignant diseases broke out with fearful effect. In some instances, 10 per cent of these wretched victims were carried off in as many days. In others mortality reached to 40 or 50 per cent in a three weeks' voyage¹." He continues "with some truth may it be said that the horrors of the slave trade pale before the horrors of the coolie trade of Assam and Cachar in the year 1861-62²". When the unfortunate victims reached the plantations, their condition was even worse. "The dead feel no pains" let us hear Lees a little more—"let us follow the living; arrived at their destination, many urged that they were unequal to field labour, that they had been engaged as artizans, medical servants, many even as priests of temples, at treble the rates of wages they were offered but the planters had contracted for coolies—had paid for them as such—they had signed contracts to serve as such for three or five years—they were able-bodied—they must work." Here Lees omits the methods adopted by the planters to "make" them work. "But what of the weak" he continues, "the halt, the maimed, and the blind? Rejected by

1. *Tea Cultivation in India*, by W. N. Lees, LL. D. 1866, p. 339.

2. *Ibid.*

the planters as useless they were turned adrift to find their way penniless, hundreds of miles to their village home or more probably to starve—to die.¹"

These are strong words. But the reality was even more horrible. These evils at last attracted the attention of the Government of Bengal and a special Committee was appointed in July 1862 to investigate the whole question. They found that great abuses undoubtedly existed and that practically the supply of labour was regarded as an ordinary commercial transaction between the contractor and the planter "all parties considering their duties and responsibilities discharged when the living are landed and the cost of the dead adjusted²". The Committee further described all the evils noted above, sometimes even in stronger terms. About a contractors' "depot" which they visited, the Committee said, "A spot more repulsive to sight and smell we could not imagine, and having assured ourselves beyond all doubt that contractors' labourers did really congregate there, we felt no surprise at the stories which we heard of the numbers that really fall victims to disease in his hands.³"

1. *Ibid.*, p. 339.

2. *Bengal Administration Report 1861-62*, p. 50.

3. *Ibid.*, p. 50.

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That was Thakur Lala's depot—a mean little few square hut "now in course of completion" resembling rather the half dried bed of a small tank, "greatly defiled by the surrounding people". The Lala was, of course, not there and "no body acknowledged any connection with him". There was nothing in the nature of preparation for the reception of any human being except that hut, "and we were forced to conclude" says the Committee "that the proprietor having heard of our intended visit had removed all that belonged to his 'depot' for fear of more damaging disclosures".¹ As regards the passage on the river Brahmaputra they found that emigrants were shipped in large batches without any arrangement to secure order and cleanliness and that uncooked food was issued without cooks to prepare it. That medical attendance was calculated to accentuate the disease rather than to cure it. 'Chaprassies' and unqualified medical officers were sent in charge. Labourers were embarked in some instances almost in a dying state.

The existence of all these evils were fully recognized by the Government and in order to prevent their recurrence and to control the whole system of emigration the first measure (Act III of 1863)

1. *Ibid* , p. 51.

ABUSES OF UNCONTROLLED EMIGRATION

was passed in 1863. This ushered in the period of state control.

CHAPTER III

CONTROL OF THE CONTRACTORS' SYSTEM

ACT III OF 1863 (BENGAL COUNCIL)

THE evils of the uncontrolled system were connected with: (a) recruitment in recruiting areas where labourers were engaged by contractors by extravagant false promises regarding the rates of wages and conditions of work and life on Assam tea gardens; (b) indiscriminate recruitment of people without proper regard to age, sex, condition of health, or capacity for work; (c) collection of labourers in unhygienic depots in Calcutta with no proper arrangement of food or medical attention; (d) unwholesome food and scant accommodation without medical help during the three weeks journey by steamer on the Brahmaputra; (e) lack of any measure for the protection of the labourer from the neglect or bad treatment of the employer.

There was, therefore, a necessity of two-fold control: first, to save the labourer from the roguery of the contractor at the time of recruitment and while on transit; second, after reaching the gardens to save him from the ill-treatment or neglect of the employer and to improve his legal position as a party to the contract for labour. The two early Acts, Act III of

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1863, and Act VI of 1865 were, therefore, passed to meet these two objects respectively. In this chapter, we propose to consider the provisions and working of the Act of 1863. The next chapter will be devoted to the Act of 1865.

Act III of 1863 was passed by the Bengal Legislative Council in February of that year. The provisions of this Act were designed to secure the proper treatment of emigrants in transit and to enable them to fully comprehend the nature of the contract, before they entered into it. These ends were to be obtained in the following way:—

(a) The labourers proceeding to the districts of Assam, Cachar and Sylhet were at several stages to be brought under the observation of the officers of the Government.

(b) Persons contracting to supply labourers and those who acted as Recruiters for engaging them were required to be licensed by a Superintendent of Labour Transport who, with the medical inspectors of labourers, were to be appointed by Government.

(c) Contractors were directed to maintain, under the inspection of those officers' depots for the reception of labourers who, on making their engagements with Recruiters, were required to appear before a magistrate or, if in Calcutta, before a superintendent.

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(d) The terms of the engagement were to be explained, and the names of the labourers were to be registered by one of these officers, and they were to be forwarded to a depot where they were to be examined by a medical inspector.

(e) The Act required that a contract should be signed by each labourer, and by someone on behalf of his employer, in the presence of a superintendent by whom it was to be explained. It also directed that an abstract of the contract should be registered and a copy be sent to the magistrate of the district where the service was to be performed.

(f) Contracts for a longer period of service than five years were prohibited.

(g) Provisions were made for the licensing and victualising of steamers and boats carrying parties of labourers, and it was also provided that each party should be accompanied by a certain proportion of females.

(h) The labourers were to be landed under the supervision of a local magistrate assisted if necessary by the medical officer of the nearest station. The magistrate was required to report their arrival and to make arrangements if necessary for forwarding them to the places of their destination.

WORKING OF ACT III OF 1863

HOW far did the Act of 1863, succeed in meeting

CONTROL OF THE CONTRACTORS' SYSTEM

the evils described in the last chapter? The contemporary accounts and the available statistics are far from encouraging. In 1868, a Commission was appointed to investigate into the affairs of the tea industry. The report of this Commission is a mine of valuable information regarding the working of the early measures of control. If the Act of 1863 was to be deemed successful in achieving its aims and objects, it should have eliminated the evils of recruitment, it should have reduced the rate of mortality in transit to the tea gardens, and it should have reduced the cost of labour to the employer. Let us see how far these objects were achieved.

Firstly as regards recruitment: Col. Money, the Deputy Commissioner of Maun Bhoism, in his letter to the Tea Commission of 1868 wrote: "I consider very few coolies leave the district knowing really what they are going for... Recruiters, I believe, cheat their employers as much as they do their recruits. Detection, however, is almost impossible. An emigrant not being the special property of anyone, I do not see how such offences could possibly fall under Section 405, Indian Penal Code. Having had the best opportunity since I took charge of this district in 1863 of studying the working of Act III, I consider that it is not in any way calculated to bring about what is. I suppose, its real object—protection of the coolies as well as the

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planters' interests; that its provisions have on the contrary a tendency in the opposite direction, and are in themselves not only defective and impossible to carry out but can be evaded by those who wish it with the most perfect immunity from detection. This Act sets forth that only those holding a licence, for which Rs. 105 is paid, and wearing a badge may attempt to induce a coolie to emigrate. The working of the Act is that contractors having discovered that a large body of licensed recruiters is a useless expense there are not now as many licensed recruiters in the district as there were formerly, but each man who holds a licence has under him many unlicensed recruiters who induce the coolie to emigrate by false promises. This it is impossible to check in a large district and jungly country. The unlicensed men are paid by the recruiters, and the risk run, though in reality small, is enough to enhance the price and thereby cause the planter to pay more for his emigrant coolies. The general belief in the district is that recruiters with the badges and licences are Government servants, and that the labour in Cachar is on Sircar's Gardens. Coolies are, however, so well taught what to say to the magistrate when brought up for registration and what to expect to hear from him, that any attempt to explaining to them the real nature of the work they go to is useless; and I believe in few cases do

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they discover how false the promises made them are until they reach the gardens.¹"

This state of affairs was universal, and did not only relate to one district, as the Commission observes: "The testimony of all district officers from whom replies have been received is to the same effect—that the coolies are very frequently deceived by the recruiters, that nothing which is said to them by the magistrate is of any avail to counteract this deception, and that the protection which the act was designed to afford has been little more than nominal.²"

The consequences of this deception by the recruiters have been described by the Commission at another place as follows: "The labourers after having been deceived by the recruiters have come up expecting much higher wages and a very different kind of life from what they found. From the time they were recruited till they reached their final destination they have been guarded not unlike prisoners. They have been told that they are going to a garden in a country where means of living were plentiful and cheap, where they would receive very high wages and have little to do. They have

1. *Report of the Commission appointed to Investigate into the affairs of the Tea Industry*, 1868, p. 27.

2. *Ibid.*

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found themselves set down in the midst of a swampy jungle far from human habitation where food was scarce and dear, where they have seen their families and fellow labourers struck down in numbers by disease and death, and where they themselves prostrated by sickness have been able to earn less by far than they could have done in their homes. This is no fanciful picture: it has occurred in many instances and when to the ills we have described the labourer has had to serve a hard master, it is not to be wondered at that he was thoroughly discontented and miserable.¹"

This picture which the Commission seems to fear might be considered too fanciful to be real is thought by Mr. Edgar as "far from giving an adequate idea of the deplorable condition of the mass of labourers whom I found in Cachar in 1864". While recounting his first hand experiences the Junior Secretary to the Bengal Government, wrote, "It is inexpressively painful for me even now (1873) when I am convinced that most of the evils of that dark time have disappeared, to look back on the sufferings of many of the coolies who were thus deluded into emigrating into the tea districts during the first years after Act III of 1863 was passed. It is intensely unpleasant to have to write of these

1. *Ibid.*, p. 36.

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things . . .¹"

Without boring the reader with more quotations I think it is legitimate to conclude that, so far as the recruitment clauses of Act III of 1863 were concerned, they in no way ameliorated the condition of the labourer. They gave, on the contrary, immense opportunities for deceit and abuse of every sort. It would seem that the labourer could not have been deceived with regard to wages and conditions of work, as the Act provided that everything should be clearly explained to him first by the magistrate of the district where he was engaged and then by the Superintendent of Labour Transport at Calcutta. That this sort of deception was universally practised, there is no doubt, and the particulars brought to the notice of the Tea Commissioners prove that all sorts of false promises were made to the labourer by the unscrupulous recruiter.

Mortality.—The mortality among the emigrants was the most heart-rending aspect of the labour traffic in early days of the Industry. Figures of mortality before the Act of 1863 came into operation are not available, but later figures show that the death rate among the emigrants was appalling. During the first three years of the Act, the deaths in the Contractors' depots and during the voyage

1. *Bengal Tea Industry Papers*. Note by Mr Edgar, p. xix.

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amounted to more than 5,500 out of a total of about 90,000 labourers. From May 1863 to January 1868 out of a total of 109,000 people embarked on the Brahmaputra for a voyage of from two to three weeks to Assam, Cachar and Sylhet, more than four thousand died on the way, the mortality being thus 4 per cent in such a short time.

According to the Commission of 1868, the death rate en route among emigrants to Assam was as 59 to 11 when compared with the death rate among Indian labourers shipped to different colonies.

As regards mortality on the gardens, according to figures compiled by Mr. Edgar, between 1st May, 1863 when the Act came into force and 1st May, 1866, 84,915 labourers landed in the tea districts. Out of these, according to returns submitted in 1866, only 49,750, some of whom might have been people on five years' agreement imported before Act III was passed, remained on the gardens on the 30th June of that year. There were, therefore, at least 35,165 to be accounted for in addition to those who might have been imported between 1st May and 30th June. If we allow for 3,289 released on completion of the contract, or for other reasons, the balance of 31,876 must have either died during the three years or absconded and not been caught. "And it is a terrible certainty" adds Mr. Edgar, "that the greater number of the latter must have

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died of hunger or exhaustion in the jungle".¹

According to another set of figures during the first 18 months after Act VI of 1865 was passed—which, by the way, made detailed arrangements for medical attendance and hygienic conditions—an acknowledged mortality of 13,905 and 4,425 desertions are reported. Out of the desertions, under those conditions at least 3,000 might be taken as resulting in deaths. The average strength of labour on gardens during this period was about 40,000 souls. In other words more than 20 per cent died. This rate will seem to be even more horrible if account is taken of the fact that on some gardens, where conditions were better, the death rate was very low. The mortality on the others, therefore, must have been enormous.

Causes of mortality.—The quality of recruit: The labourers engaged by the recruiters were of a very inferior type as regards their physique. Some instances given show that some of them weighed less than five stones. And they were recruited for a hard physical work on gardens in very unhealthy conditions. The reasons for this type of recruitment were twofold. In the first place because of low wages offered on the gardens only those people enlisted for work who could not get a living in their

¹ *Papers Bengal Tea Industry*, p. xx

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own districts. The view of the Government of Bengal seems to be justified in this respect. The Government considered that "no amount of medical inspection could provide a perfect remedy, for the reason that the wages which a planter can offer are not sufficient to induce robust able-bodied men in good circumstances in their native village to meet the risks of emigration".¹ This is perhaps the key to the whole labour question, not only of the past but also of the present as we shall see. "It was thus" says *the Bengal Administration Report 1868* "that an inferior class of labourer who found it difficult to earn a livelihood at home sought employment in the tea districts. If none but robust men were allowed to emigrate at a time when there was demand for labour, emigration should be so reduced as to be inadequate to the requirements of the employer."

This attitude on the part of the Government, however, cannot be justified. The first duty of the State is to prevent untold sufferings to its subjects. The demand for labour was only—at least for the greater part—for speculative purposes, and if the Government had imposed stringent regulations with regard to medical inspection before embarkation, it would have done a service to the industry by con-

1 *Bengal Administration Report, 1868-9*, p. 117.

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trolling the forces of tea mania and also by reducing the cost incurred by the planters by heavily paying for an inefficient sort of worker who arrived at the gardens half dead and half alive. Even if the enterprise was legitimate on all hands, the pressure of demand from the planters should not have deterred the Government from performing its primary duty—the protection of the lives of its helpless and ignorant subjects.

This leads us to the examination of the second great cause of the recruitment of an inferior type of labourer. The real source of difficulty was that the medical inspectors only considered the fitness of the emigrants to be able to stand the voyage, without much thought of the constitution and bodily fitness of the person to work on the gardens. Sections XV and XVI of the Act required that every labourer should be examined by the medical inspector who should give to the superintendent a certificate of the state of health of every labourer examined. If the medical inspector should certify that any labourer was not in a state of health befitting him to proceed to the districts of Assam, Cachar and Sylhet for the purpose of labouring, he should be returned to the place at which he was registered. The instructions to the medical inspector issued by the Government directed "that he should not except under very peculiar circumstances allow

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any labourers who are sick or unfit to undertake the voyage, or who are not in a state of health to warrant their proceeding to the tea districts for the purpose of labouring to embark". These instructions could be easily interpreted to include fitness to work on the gardens. But under an order (No. 3438 dated 17th October, 1864) the Government definitely laid it down that "such an interpretation was not correct, that it was not intended that the medical inspector should on behalf of the planter examine the contractors' coolies and reject men who are not robust labourers; for this was a matter with which the Government has no concern." It stated its intentions more explicitly by saying that "the fitness of the labourer for work is a matter which is not the duty of the Government Inspector to decide. If a labourer desires to go and is not in the opinion of the medical inspector unfit for the voyage that officer should offer no hindrance to his going." These orders, however, were modified later, but not before an enormous amount of mischief had been done.

It is not surprising, therefore, that the labourers died like sheep on the voyage and on the gardens. Add to these the unhealthy conditions under which they were conveyed over the Brahmaputra in boats of meagre accommodation, with practically no medical assistance, and when they reached the gardens

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exhausted and diseased to be lodged in houses having "leaky roofs, the sides falling to pieces, the floors low and damp . . . the whole structure almost always made of reeds and bamboos covered with a very thin coating of mud". Other causes of mortality enumerated by the Tea Commission of 1868 were: (a) unhealthy nature of tea districts, heat and dampness with reed grass and jungle causing malaria; (b) effect of famine conditions in the recruiting areas; (c) insufficient food amounting in some cases to actual scarcity and absolute want; (d) impure water drawn from pools of muddy streams, nearly stagnant for the greater part of the year in which they also washed (e) and lastly the depression of spirits natural under these conditions increased other causes of sickness.

Is it surprising after all this that so many deaths occurred? The wonder on the contrary is that so many managed to escape death under such horrible conditions of life.

Effect on the Cost of Labour.—The effects on the employer were little better. The medical examiner only saw that the person could stand the voyage, therefore, most undesirable types of people were sent up. The loss of deaths endured, therefore, was heavy, whilst among the survivors' desertions were frequent. The contractors had no interest in the quality of the coolie supplied as long as he got his

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commission which depended on the numbers delivered. The Act had given a virtual monopoly to these middlemen. The forces of demand and supply, therefore, did not act freely under this system. The contractors made great profits at the expense of the labourer on the one hand and the employer on the other. "The planter has been compelled to pay high prices" says the Commission "not because labour was actually dearer but because the eagerness to obtain it was so great that coolies were often passed on from one recruiter to the other, each exchange necessitating a fresh premium and raising the expense which must be recovered by the contractors in whose hands they ultimately came.¹" No wonder then that sometimes the cost of importation per head was from Rs. 100 to 200². The Commission was of opinion that coolies privately recruited and sent up to the tea districts under charge of "Gardens Sardars"—old coolies used for the purpose of recruitment—had not only been much better labourers but had cost very much less than those procured through contractors. The Commission suggested that cost could still be reduced if *bona*

1. *Report*, p. 37

2. It should be noted here that the cost per recruit as laid before the Whitley Commission of 1931 was also from 150—200. See evidence vol. VI. part I, p. 61.

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fide gardens sardars were employed. "As regards recruiting" concluded the Commission "the practical effect of the Act has been to enrich middlemen at the expense of the planter on the one hand and the labourer on the other".¹

1. *Report*, p. 37

CHAPTER IV

CONTROL ON GARDENS

ACT VI OF 1865 (BENGAL COUNCIL)

IT should be observed that Act III of 1863 had no control from the moment the labourer arrived at the place of his destination. It was, however, found subsequently that the interference of Government was necessary so long as the contract entered by the labourer lasted. Such interference was required in the interest of both the labourer and the employer. The complaint of the employer was that the labourer after having been imported at great expense by him refused to work on the garden or left his service. Moreover, he alleged, that the punishment for deserters was very lenient and involved a release from all engagements, and that, therefore, the labourer willingly incurred the liability to punishment in the hope of being set free from the contract. The labourer, on the other hand, declared that he was not paid at the rate which he expected to receive when he entered into the contract that he was ill-treated on the estate and neglected.

Previous to 1865, a labourer breaking his contract could only be punished legally under Section 492 of

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the Indian Penal Code which provided one month's imprisonment in the case of defaulters who had been imported, and there was no provision for the arrest of deserters without warrant. The planter, therefore, in order to safeguard his interests felt himself justified in taking any measures to ensure that the worker he had imported after undergoing a huge expense should work as he wished and should not leave his garden for a neighbouring one, or for leaving the district for good. Different methods of meeting this situation were evolved by the ingenious planter. Great precautions were taken to prevent the labourer from running away: 'Chaukidars' were posted, high palisades erected, a reward of Rs. 5 per head was set for anyone who could apprehend the culprit; savage hill men were employed to track them; the reward offered was, of course, deducted from the wages of the labourer. "It is to be feared" wrote Mr. Edgar in 1872 about the period under consideration, "that often runaways enfeebled by their sufferings in the jungles died under or from the effects of the floggings they received when caught".¹

The very fact that the labourers deserted in large numbers even at the risk of almost certain capture, or death shows that their fate on the

1. *Papers connected with Tea Industry in Bengal*, p. XXIII.

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gardens must have been very horrible indeed. And this was so in fact. "The miseries of the early emigrants" says Mr. Edgar "were in too many instances cruelly aggravated by the ill-treatment of the employers. At one time the feeling of the planter as a body towards their imported labourers was most deplorable. The best men looked on them as a thankless discontented lot for whose good it was almost useless to try to do anything and whom it was impossible not to dislike; while among the worst sort of planters this feeling of aversion deepened into a mingling of hatred and contempt that led in some instances to acts of revolting cruelty, and in far more cases than have ever been publicly known, to systematic and gross ill-treatment." He continues a little further on "I have reason to believe that this practice was almost universal in Cachar when I first went there in 1863 and I had it on excellent authority that it was at least equally common in Assam." He, however, mentioned such instances about as late as 1867.¹

1 As late as the year 1872 in the course of a correspondence invited by the Government about the condition of Tea industry in Bengal, Mr. W A. Stoddard, a manager of a Tea Estate, wrote "A strenuous enactment should be made to prevent these rascals from raising a portion of the seasons' operations by inducing a belief that they are going to work regularly for the period of their agreements. . that it be

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All these practices were, however, illegal and could have been easily stopped by the authorities if serious investigations had been made, and the defaulters convicted wherever such offences were proved. If this had been done great cries would have been raised as was typical of the planting community. "But it would have saved the lives of thousands of labourers" in the words of Mr. Edgar, "whose sufferings seem to me one of the greatest blots on the modern administration of India: it would have checked most effectively the dishonest speculation and ruinous extensions of the years before the collapse of 1866, and would have hastened by many years the improvements in the manner of dealing with the labour question. I have long been of opinion that the district executive administration failed most lamentably at this time and I think it very much to be regretted that the Gov-

enacted that all agreement labourers after punishment for default be returned to their employers to complete their contracts, with the term of absence added on as in the case of imported labour; and that on a second offence of any once convicted the labourer should be whipped. The stick has a great terror for these innate thieves and scamps — especially without hurting the man much, the quiet, firm systematic way the Government floggings are conducted." (*Papers relating to Bengal Tea Industry*, p. 44) The type of the mentality of the early planters is clearly reflected by the above.

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ernment, when the evils of the coolies' condition were brought to its notice, did not strengthen the district officers and insist on their protecting the labourers through the existing law, leaving the employers' remedy for breach of contract as it stood before."

Instead of this an Act (VI of 1865) was passed by the Bengal Council, which allowed the planter to arrest the coolie without warrant—or in other words made these illegal practices legal, and provided for punishment by imprisonment of runaway coolies. This imprisonment could be renewed indiscriminately for successive breaches. There were other provisions which were alleged to protect the interests of the labourers and the planters. The main provisions of Act VI of 1865 were as follows:—

- (i) It provided for securing the labourer by his contract a certain minimum monthly rate of wages.
- (ii) For the provision of sufficient hospital accommodation for the sick, and a proper stock of medicines, and for the periodical inspection of estates by the Protectors, and the submission of reports containing the results of such inspections to the Government.
- (iii) It also provided for the investigation of complaints, the cancellation of contracts under certain circumstances, and release therefrom by purchase on payment of a sum of money equivalent

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to the minimum rate of wages for two years, or if the term of engagement had less than two years to run, of a sum equivalent to such rate for the unexpired term.

4. To safeguard the interests of the planter, it provided for the punishment of the labourers if they refused to work or neglected their work, and their arrest without warrant in the case of desertions and subsequent imprisonment.

Working of Act VI of 1865.—As far as the clauses of this Act provided for arrangements for the health of the labourer we have seen in the previous chapter under the section "Mortality" that the death rate in general was very high. The mortality on individual gardens was still higher. From figures given of death rate on some of the gardens, the Commissioners of 1868 found that mortality was sometimes as high as 556·60 per thousand of total labour strength of the gardens. In most cases it was upwards of 300 per 1,000. In one garden, for instance, out of a labour strength of 203 the number of deaths was 113 during the second half of the year 1865. The deaths in general were mostly due to fevers, dysentery, diarrhoea and cholera. The highest death rate was among the newly-imported labourers.

Treatment by the planter.—The health and happiness of the labourer depended naturally on

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the conditions under which he worked, the distance of the nearest bazaar, the amount of wage paid and especially the type of employer he had to serve. "In some cases" in the words of the Commission "everything has been unfavourable. The garden has been very unhealthy and greater number of labourers have more or less suffered from sickness, the nearest bazaar has been many miles distant and their small wants have been but poorly supplied from the garden stores, the estate has often consisted of a small and almost inaccessible clearance in the heart of dense jungle. Depressed and weakened by sickness the coolies have been able to earn but little and that little perhaps long withheld. When too ill to work, there has often been no one to nurse them with that care which they required, no medical attendant who could be depended on to see that they were properly treated and that they received sufficient nourishment. The manager may have been young and altogether inexperienced and what is worse he may have been a hard master.¹" On some gardens according to the Commissioners the things were as bad as could well be.

Act VI of 1865 provided for a Protector of Labourers. He failed to control these ills. The labourers were scattered over hundreds of miles

1. *Report*, p. 48.

and the means of communication were very bad. He could only visit them occasionally and then "Coolies will often prefer to bear their ills in silence than complain to an officer whom they see only once or at most twice a year. His power to shield them they cannot realise, while they often fear to incur the ill-will of their masters by making a complaint."¹

This state of affairs according to the Commissioners was due less to cruelty than to thoughtlessness on the part of the employer. "The Assistants in charge of the gardens" they wrote "often fresh from England, full of youth and health, ignorant of the language and altogether unacquainted with the habits of the natives of India have been totally unable to understand much less to sympathise with the conditions of their labourer."¹ This may explain the causes of ill-treatment but no amount of logic in the world can justify the inhuman cruelties perpetrated upon the poor ignorant victims of their selfishness. "No one has suffered more than the unfortunate labourer" admits the Commission, "for the opening out of new tea cultivation has been too often synonymous with disease and death". "The object of the planters was to get as much work out of the coolie and to give as little in return

¹ *Report*, p. 49.

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as possible.¹ "Where he was not actually maltreated his welfare and comforts were neglected and "every unfair advantage was taken to cut down his monthly pay".¹

Speaking of the causes of the heavy desertions, the Commission said "that the proportion varied greatly but it was a well-known fact that in properly managed gardens where the coolies have been kindly treated and have been fairly healthy the number who have absconded have been very small". This gives us a clue to the cause of desertion. It was not on account of the perversity of the nature of the persecuted victim that he tried to run away, even at the risk of being caught and whipped, or of dying of starvation in the wild jungles of Assam; it was because the conditions of work were simply intolerable, because of the inhumanities of the planters.

After a full examination of the provisions of Act VI of 1865, the Commission came to the conclusion that "where coolies are liberally treated and gardens are fairly healthy the planter does not require the protection of legislation. In other words that coolies very seldom desert from gardens where good houses are provided, wholesome drinking water is available, good supplies

1. *Ibid.*, p. 49.

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are accessible and the schedule of task work fairly adjusted." But the question is how many such gardens were in existence? And then how was it possible to bring under legislation only those gardens where conditions were bad and leave the others alone? Legislation no doubt was required but it had to be effective legislation, not nominal legislation, because the latter is worse than no legislation at all.

The planters, however, were not slow to take advantage of such fallacies. They blamed the Government legislation for all the ills that the industry suffered during the Sixties. Their contention was that it was in the interest of the planters to treat the coolie fairly and see to his comfort, that the Government by undue interference was clogging the wheels of the progress of the enterprise. Samuel Baildon¹ for instance complained of the attitude of the Government towards the planting interests. The planter, he said, was regarded as a brute and it was presumed that he treated the labourer very badly, and that the latter must be protected by law. He believed that the interests of the planter and the labourer were identical, that the planter could not afford to ill-treat the coolies.

1. *Tea Industry in India*, by Samuel Baildon: Chapter on "Labour Question".

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Col. Money¹, also belonging to the same class, attributed the depression of the industry in 1865—69 to the fact that the relations of the employer and the labourer were definitely defined by law. To these allegations the words of Mr. Campbell, Assistant Commissioner of Burpeta (Assam) in 1872 are a most befitting retort: "It was urged that planters required no interference, that the welfare of the coolies was of more importance to them than to the Government and that they might safely be left to look after their own interests. The theory of this reasoning was excellent but unfortunately experience had shown that it could not always be trusted in practice. It was against the interests of the planters to have the blind, the maimed, the insane and the other physically unfit for labour sent up to them as coolies, yet contractors' agents and others in their employ had sent up such people. It was against their interest to make no provision for epidemics on the passage to Assam yet such omissions had taken place. The dying had been allowed to struggle in their agony along with the living destitute of medical aid, and scenes the most revolting to humanity had resulted. It was against the interests of the planters to leave

1. *The Cultivation and Manufacture of Tea, Prize Essay, by Col. Money,*

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their coolies houseless on arrival, to give them insufficient food, and to make no provisions for medical aid. Yet all these acts of neglect had occurred.¹"

Conclusions.--From the above discussion we arrive at the following conclusions:--

That Government interference was necessary on ground of humanity even if on no other ground.

That such interference was not efficiently exercised and the Acts of 1863 and 1865 utterly failed in their motives.

Act III of 1863 established a full monopoly of the contractor which was greatly abused with the result that untold sufferings were caused to the labourer and cost to the industry enhanced enormously. The middleman got fat at the expense both of the worker and the planter.

The Act did not make affective arrangements for medical inspection of the labourer before engagement and also the medical attention on the voyage was not enough. Medical inspection was only nominal and did not take account of the ability of the labourer to work on tea gardens under the conditions existing there. On the other

1. Memorandum by Mr. Campbell (*Papers connected with Tea Industry in Bengal*, 1873, p. 127).

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hand, it took away the responsibility from the shoulders of the contractor and gave a false sense of security to the planter.

It created an impression on the mind of the emigrant that he was being engaged on behalf of the Government and hence gave him a false sense of protection.

Act VI of 1865 by setting up 'Protectors of Labourers' invited the hostility of the planters without in any way giving effective protection to the labourer. This hostility was partly responsible for the ill-treatment and neglect of the labourer by the planter even in protest against Government interference. This interference should either have been effective or should have been withheld.

The result of these conditions was the indiscriminate recruitment of persons who could not find proper living in their own homes and a high mortality was involved en route and on the gardens. The only people that gained were the unscrupulous contractors and their crowd of recruiters.

CHAPTER V

THE GARDEN SARDAR VERSUS THE CONTRACTOR

THE Commission of 1868 was very emphatic in denouncing the system of contractors. "We feel satisfied," wrote the Commissioners, "that any system by which the supply of labour is in the hands of contractors and recruiters, who have no interest in the real good of the coolie, can never work well. The employer and the labourer should as much as possible, deal directly with each other, and the existence of any middleman, whose only object is to make gain out of both, can only lead to evil."¹ The Commission recommended that all such middlemen should be abolished gradually. But this gradual process of the disappearance of the contractor extended over more than half a century.

The Garden Sardar.—In the place of the contractors the Commission proposed to substitute *bona fide* garden sardars—a suggestion of very great importance as we shall see later. It appears that garden sardars were already employed by some of the planters but this medium of recruitment was

1. *Report*, p. 44.

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not yet recognised by law. A garden sardar virtually is a labourer who has worked for some time on the garden and knows the conditions of work by experience. It was thought that he would be a fit person to go to the recruiting districts, in most cases his own native village, and engage people. The advantages of this system are clear. A garden sardar knows the conditions of work on tea gardens, he understands his people whom he engages, and therefore can act as a very good medium between his employer and his fellow labourers.

Act II of 1870.—In order to give effect to the recommendations of the Commission of 1868, the Bengal Council passed an Act in 1870 to amend and consolidate the law relating to the transport of labourers to the districts of Assam, Cachar and Sylhet and their employment therein. This Act provided for the proper care of labourers while on their journey to Assam, and also for their better treatment when employed on gardens. But the most important of its provisions was that it authorised special agents (garden sardars) deputed by planters for engaging labourers for tea gardens. The recruits of sardars had to be brought in groups not exceeding twenty and they were not subject to all the stringent provisions respecting the transport of labourers forwarded by contractors under the former Acts. Since the Sardari system was recognis-

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ed by the Act of 1870, it has remained an integral part of all the subsequent enactments that have been passed in connection with labour recruitment.

Free immigration.—It should be noted that the Act of 1870 did not forbid recruitment by contractors in spite of the recommendations of the Labour Commission of 1868. It only recognised an additional agency for recruitment, namely, the garden sardars. The chief shortcoming of this Act, however, was that it did not recognize, much less encourage, free immigration in the sense of a spontaneous inflow of labourers into the tea districts without entering into contract under the Act. On the contrary, it explicitly prohibited any importation of labour engaged otherwise than under the Act. It was soon realised, therefore, that some system should be introduced by which free immigration should be gradually encouraged, so that ultimately the need for state control should altogether disappear. The ideal of completely uncontrolled immigration has not been achieved even to this day. The first step in this direction, however, was taken when Act VII of 1873 was passed by the Bengal Legislative Council with a view to give impetus to free immigration.

Act VII of 1873.—The chief provisions of Act VII of 1873 were as follows:—

- (i) It enabled the labourers who had served their

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previous contract to re-engage themselves for a further period of service free from the ordinary provisions of the law.

(ii) It recognised a new class of free labourers, *i.e.*, those under contract for a term not exceeding one year.

(iii) With certain restrictions it recognized the recruitment of labourers by "garden sardars" or coolies licensed by the planters to recruit labour on their behalf from the labour districts.

(iv) More stringent regulations were provided in the case of recruitment by contractors; *e.g.*, compulsory medical examination before recruitment and medical aid during the voyage.

(v) Provisions were made to improve conditions of life on tea gardens, *e.g.*, provision of better houses, hospitals and better water supply were made compulsory on the planter. Inspectors were appointed to visit tea gardens at least once a year and see that these provisions were carried out, and report.

(vi) The planter was safeguarded against desertions by labourers. If a labourer deserted, he could be apprehended without a warrant by his employer.

Contractor versus the garden sardar.—It will be seen from the above that like its predecessor the Act of 1873 did not abolish the system of recruitment by contractors. The contractors' system, in fact, was

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a necessary evil so long as recruitment by other means did not supply enough labour to the industry. The planter tried to get as many recruits through his garden sardars as the latter were able to procure, but for the rest he had to resort to the contractors. The contractor was a professional agent. He possessed the skill of inducing people to emigrate and when it is realised that he and his recruiters (employed by him) had no scruples regarding the means they adopted his success would not seem surprising. Moreover, he was more concerned with the number than with the quality of his recruits.

The garden sardars, on the other hand, were private agents of the planter. They were old labourers with garden experience. They did not know or did not care to resort to the methods adopted by contractors' recruiters. Usually they went to their own villages and tried to induce their relatives or friends to accompany them to the gardens. Their success mostly depended on the agricultural conditions prevailing at the time. When crops were bad more people could be induced to migrate in search of a living. If the harvests were good the garden sardar had scanty success and the planter had to resort to the contractors' agency to a greater extent.

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THE WORKING OF ACT VII OF 1873

Recruitment.—After the passing of Act VII of 1873 recruits were obtained either by a contract under the provision of the Act or they came to the tea gardens without entering into such a contract. The latter class were free immigrants, which the Act chiefly wanted to encourage. Of those that entered into the contract, some were obtained through garden sardars and others through contractors.

Detailed information is not available for the first two years of the enforcement of this Act. The number of total 'labourers' including children and infants, imported during the eight years 1874--1881 in which Act VII was in force, was 167,000 souls. Apart from infants and children the details of recruitment for six years ending 1881 were as follows:—

Total adult labourers	Recruited under Act VII	Number per cent	
		By G. Sardars	55
		By Contractors	28
		Free Immigrants	17
		$\frac{22,572}{130,942}$	100

Thus, we see that only 17 per cent of the labourers came free of the Act. This was not a very satisfactory result in view of the great expectations based on the Act in this connection.

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The Sardari system, however, fared better. It supplied 55 per cent of the total adults during the period. "The use of garden sardars as an agency" wrote, the Assam Administration Report in 1881, "has largely extended, but the expense and risk of deputing a coolie sardar from a remote district in Assam to gather labourers in the neighbourhood of his home have of late years checked recourse to this agency".

The following figures give annual percentages of labourers brought under the Act through the agencies of contractors and garden sardars:--

	<i>By Sardars</i>	<i>By Contractors</i>
1876	62·1	37·9
1877	63·4	36·6
1878	72·9	27·1
1879	71·4	28·6
1880	68·6	31·4
1881	54·4	45·6

It is interesting to note that the highest percentage achieved by garden sardars was during the years of famine conditions in the labour districts, especially the year 1878. After that year the figures gradually fell.

The provisions of Act VII of 1873 required sardars engaging more than twenty labourers to conform to the same rules as applied to contractors' recruiters. This brought them into contact with

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contractors, and exposed them to the temptation of handing over the recruits to the latter in return for a consideration. This undoubtedly was to some extent responsible for the decreasing success of this agency in later years. This difficulty was, however, dealt with in the succeeding Act.

A word may be said about the effect on mortality. —Act VII provided for medical attention to the labourers while on their way to the tea districts and also when they were residing there. One of the most important provisions of the Act was Section 119, by which a garden could be closed as unfit for the residence of the imported labourers if mortality on it exceeded 7 per cent per annum. The Act, however, did not distinguish between different classes of labourers to some of whom the climate was more fatal than to others. The result was that often it happened that, among labourers from a particular labour district, mortality was far higher than 7 per cent, but when calculated on the total number on that particular garden it was less. Mortality, owing to certain reasons to be mentioned later, was higher among labourers imported from distant provinces like the North-Western Provinces, Oudh and Bihar. This difficulty was met by the Assam Regulation IV of 1877 which gave the Chief Commissioner power to apply Section 119 to labourers of any particular class or origin.

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The figures of mortality on tea gardens show that, apart from years of epidemics, the tendency was to a gradual reduction in the death rate.

Thus mortality compared with average labour strength was as follows:—

	<i>Average Annual labour strength.</i>	<i>Total number of Deaths.</i>	<i>Deaths per thousand of labour strength.</i>
	1000	1000	
1876	112·6	4·9	43
1878	119·3	8·0	67
1880	122·9	4·4	35
1881	124·4	4·1	33

Mortality was lowest during the last year. The excessive death rate in 1878 was due to a cholera epidemic. This improvement was doubtless due to improvement in sanitation, more careful selection of labourers and a more judicious selection of diet for immigrants from the North Western Provinces during the first months of their residence. This was necessitated because of a more radical change in climate, diet and other surroundings felt by labourers coming from that remote province and other distant areas. The death rate as a matter of fact, as we shall see later, varied directly with the distance of the country of origin of the labourer.

CHAPTER VI

THE INLAND EMIGRATION ACT, 1882

or

ACT I OF 1882

IT was soon realised, however, that Act VII of 1873 was suffering from some fundamental defects. At the instance of the Indian Tea Districts Association, therefore, a Commission was appointed in 1880 to inquire into the working of Act VII. The Commissioners found the following defects in the law:—

- (a) That it did not afford sufficient encouragement to free immigration.
- (b) That it imposed unnecessary restrictions on Sardari recruiting.
- (c) That it failed to provide for the enforcement of contracts made otherwise than under the provisions of the Act, even in the case of imported labourers.
- (d) That the remedies provided for the employer in the event of the unlawful absence, idleness or desertion of their contract labourers were inadequate.

(a) *Free immigration and free recruiting.*—These two terms are distinct in their implications. Free

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immigration means the spontaneous and unsolicited emigration of people from other parts of India to the tea districts. Free recruiting, on the other hand, implies a system of inducing such people to emigrate and furnishing them with the means of doing so, carried on by or on behalf of the employers without any supervision or control by the Government. Both of these systems were recognized by Act VII (1873). Free Immigration, however, was not possible in the circumstances because the labourer wanted some initial help to enable him to travel to the remote tea districts. The planter, on the other hand, was afraid of incurring any expense unless he was sure that the immigrant would stay with him when he arrived at the garden and would not move on to another employer for a little higher wage. He was, therefore, anxious to enter into some sort of a contract with the labourer before he spent anything upon him. The Act of 1873 allowed contracts to be made with free emigrants in the recruiting districts. These contracts were enforceable by law as long as they did not exceed a period of one year. But this provision was not rightly understood. "No employer at present enters into a contract" wrote the Commissioners, "with an intending emigrant in the district of the emigrants' home, otherwise than under the provisions of the Act; and the impression has been general among both

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employers and the officers of the Government that to recruit labour in Bengal or Bihar otherwise than in accordance with these provisions was altogether illegal."¹ This provision of the Act therefore remained practically a dead letter.

According to the recommendation of the Commission of 1880, this provision was amended by Act I of 1882, which superseded Act VII. Under the new Act the labourer could proceed to the tea districts in either of the following ways:—

(i) He might go to the labour district as a free immigrant and enter into a contract there either under Act I of 1882, or without the Act. In the second case, he was in no way subject to the Act and in the first case, he was subject only to such of its provisions as referred to the carrying out of the labour contract.

(ii) He might go to the labour district after having been recruited and registered under the Act and having executed a contract to labour on the gardens. In this case, he was completely under the Act from the date of his recruitment to the expiry of his contract.

(b) *Sardari Recruiting*.—The Act of 1873 imposed a good many restrictions on the garden sardar.

1. *Report of the Commission on Labour*, 1880 (Tea Cyclopaedia, 1881 p. 304).

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He had to obtain a certificate from his employer and had to present himself to the magistrate of the district in which the estate was situated which with other inconveniences brought him into dubious relations with the petty court officials. His certificate was only allowed to run for six months. He was not permitted to travel in company with another sardar, if the total number of labourers under their care exceeded twenty. If he recruited more than twenty emigrants he had to take them to a contractor's depot, becoming practically a contractors' recruiter.

The employer, on the other hand, complained that he had no control over the sardar after he had left the garden. Sometimes he would not return at all, and disappeared altogether with the advances made to him. Sometimes he would fritter away the money and demand more before he would do anything. He was also tempted by the contractors' recruiters to hand over to them his emigrants in return for a remuneration, and substituted in their place either worthless labourers or declared that they had deserted with the advances he had given them.

The Labour Commissioners of 1880 emphatically denounced the contractors' system and attributed all the evils of recruiting to it, and strongly recommended that all connections between garden

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sardars and contractors' depots should be severed and the Sardari system should be given the widest scope, provisions, however, having been made for the effective control of sardars when engaged on recruiting duty.

Act I of 1882 met these difficulties as follows:—

- (i) The certificate of the garden sardar could be given for a period of one year and could be renewed for a further term without the appearance of the garden sardar before the magistrate.
- (ii) All connection between garden sardars and contractors' depots was severed and a garden sardar could recruit any number of persons.
- (iii) The employer could employ local agents to protect his interests. These agents supervised the operations of the sardars or under special licence could recruit emigrants themselves and despatch them to the tea districts without the assistance of sardars.

(c) *Enforcement of contracts.*—The third objection taken to Act VII was that it did not provide for the enforcement of contracts made in the labour districts. Under Act VII, it should be recalled, time-expired labourers on re-engagement were freed from the provisions of the law attaching to contract immigrants. It was customary for time expired labourers to re-engage themselves under another Act *viz.*, Act XIII of 1859. This was an Act

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that regulated the relations of master and servant in general and was never meant for this purpose. The chief attraction of this Act to the labourer was that he was paid a certain bonus in advance if he engaged himself under it. The employer favoured it because it guarded his interest under a penal contract enabling him to get the labourer imprisoned if he deserted. As, however, this Act was not primarily intended for this purpose, a need was felt for some other provision in this connection. Act I of 1882, therefore, permitted local labour contracts to be made in labour districts by any native of India, whether immigrant or resident in Assam, on the same conditions and subject to the same penalties in the case of breach as applied to labour contracts made outside the province by intending emigrants.

(d) *Penalty for unlawful absence.*—To protect the interests of the employer, Act I of 1882 provided for a system of monthly lists of defaulters from work to be forwarded by the employer to the inspector. The latter on enquiry could punish any such defaulter by entering the days of such absence on his contract and extending his term to that extent unless the labourer consented to pay to his employer a certain fixed sum (As. 4) for each day of absence. Prolonged and repeated desertions could be punished at criminal law, by imprisonment.

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In addition to these provisions, the new Act provided for medical aid, annual inspections and keeping of records of vital statistics and other sundry details to improve the conditions of life on the gardens. It also fixed a minimum rate of wages Rs. 5 for men and Rs. 4 for women monthly, for the first three years and Rs. 6 for men and Rs. 5 for women for the remaining two years of the contract, the maximum limit for which was fixed at five years.

Act I of 1882 remained in force until it was superseded by another Act in 1901. In the meantime, however, certain difficulties arose in connection with the free immigrants. Although Section 7 of Act I recognized free emigration without any restrictions, Section 5 of that Act reserved power for the local Governments (with the sanction of the Governor-General-in-Council) to prohibit emigrants from any particular district if necessity arose. It was found later that a very high mortality prevailed among free immigrants especially to the Surma Valley, where the means of transport were by a country boat carrying less than twenty passengers. The voyage to the Assam Valley, being in big steamers holding more than 20 people, came under the provision of Act I of 1882 which required such boats to carry medical provisions and attendance. So far as Bengal was concerned the Inland Emigration Health Act (I of 1889) gave some

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powers in respect to the sanitary regulations of the journey of Free Emigrants to Assam. An attempt was made by the Lieut.-Governor, Sir Charles Elliot, to extend this Act by the issue of rules to Assam. But it was found that the rules were 'ultra vires'. This Act was later incorporated into Act VI of 1901, as we shall see.

Act VII of 1893.—A more important amendment took place in 1893 by Act VII of that year.

The Act of 1882 (as we know) recognized unrestricted free emigration. A system of unlicensed and uncontrolled recruitment sprang up to take advantage of the situation. Labourers were not put under contract until they reached the labour districts of Assam. The 'Arkatis' or unlicensed recruiters were found to use many fraudulent devices to enlist recruits including it was said, kidnapping and abduction of women. The law was, therefore, amended in 1893 by Act VII of that year. The amendment provided for better control over the recruitment but it was decided not to adopt the system of initial registration of all recruits in the recruiting districts which was proposed by the Bengal Government.

Act I of 1882 (as originally enacted) permitted local labour contracts to be made in labour districts by any native of India whether immigrant or residing in Assam, under the same conditions as

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contracts made outside the province. The amendment distinguished contracts made in the presence of a magistrate or inspector and those not so made and permitted contracts of the latter class to be entered into for a term of one year only.

Apart from miscellaneous changes and improvements, introduced by the Amendment, the chief motives of the Act of 1893 as given in the statement of objects and reasons to the Bill which finally became the Amending Act were:—

(i) To prevent and remedy abuses in the system of recruiting labourers.

(ii) To strengthen the control of local administration over unhealthy estates and to enable the local authorities more readily to enforce sanitary improvement on them.

(iii) To restrict as far as practicable consistently with the interests of the tea industry and the prevailing conditions of the labour emigration, the operation of the penal contract system sanctioned by the Act.

The Penal Contract system or the system of Indenture.—From the very beginning one of the principal characteristics of contracts under labour Acts was that in the case of the breach of contract by the labourer the latter could be arrested—even without a warrant—and punished at criminal law. This system was justified on the ground that some-

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times the planter spent from Rs. 300 to 500 per head of imported labourers and if there was no drastic safeguard against the labourers' leaving the garden or refusing to work during the term of his contract he would break the terms of his contract involving great loss to the employer. The consequence was that the labourer was reduced to the status of a mere slave. Once he had signed the contract, he was bound for a long term of five years (reduced to 4 years by the Amendment Act of 1893), and not infrequently he was guarded and watched as a prospective absconder. In return, the law fixed a minimum wage for him and provided for medical attention and housing and sanitation in general. The object of the penal contract was not achieved because desertions continued in spite of all restrictions and penalties. It is even probable that the penal system encouraged such desertions by breeding a spirit of discontent and lack of confidence. A vicious circle was thus created. The principle of Indenture provided its own justification by creating conditions which required its existence. If the labourer was bound by a civil contract this probably would have created in him a sense of responsibility and greater self-respect and he would have been more inclined to stick to his terms. The employer would also have respected him on terms of equality as a free agent, and these

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sentiments would have led to mutual trust and confidence. The Penal Contract System, however, continued until it was finally withdrawn in 1915, as we shall see later.

CHAPTER VII

WORKING OF ACT I OF 1882

LET us now see how far the Act of 1882 achieved its objects, *viz.* encouragement of free recruitment and recruitment by garden sardars, discouraging of recruitment by contractors and improving the general conditions of life and work on tea gardens in Assam.

(i) *Recruitment.*—Firstly as regards recruitment. The statement given below compares the relative use made of the different agencies of recruitment sanctioned by the Act.

Trennial Average.	Total adults Imported.	Percentage contribution by:			Number of children in thousands.
		Garden sardars.	Contra- ctors.	Free Immi- grants.	
		%	%	%	
1882—84	26,170	47	34	19	7·2
1885—87	24,337	38	35	27	7·9
1888—90	32,357	36	30	34	13·6
1891—93	38,627	29	39	32	13·2
1894—96	49,503	19	34	47	15·6
1897—99	42,572	33	31	36	16·4
1900	44,044	37	29	34	17·6

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It will be seen from the above figures that:

(a) the Act gave a great stimulus to free immigration although in later years there was a falling off because of the garden sardars getting into more favour, and probably because of the bad reputation of the abuses that crept into the system in connection with free labourers;

(b) the contractors fell into disfavour: because of the greater success of the sardars, the planters had to rely less on the contractors;

(c) the percentage brought by garden sardars decreased upto 1895, after which this agency showed greater success. The chief reason of this success and the general increase in the number imported was the famine conditions that prevailed in the recruiting areas of Bengal, Bihar and Chota Nagpore, during the years 1896-97 and 1897-98. Faced by scarcity at home whole families emigrated to Assam in search of a living. The great increase in the number of children brought into Assam shows that families as a whole were emigrating. To some extent this was also due to better facilities of transportation and improvement in the conditions of life on gardens.

(ii) *Mortality*.—It should be borne in mind while comparing the figures of mortality that in some years the rate was inflated because of epidemics like cholera, which makes the reading of the

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trend difficult. On the whole, the figures show a fair improvement.

In earlier years, mortality on voyage in transit was very high but by improvement in the conditions of transport of labourers, this aspect of mortality lost its importance. In the case of the Brahmaputra Valley where transport was by licensed vessels duly provided with medical aid and adequate diet, the condition had become almost normal, therefore, no statistics are available. In Surma Valley, however, the rate of mortality was high when the journey was by a country boat, but by resort to the newly-established steamer service which became popular by the year 1890, conditions were greatly improved, as is shown by the following figures:—

<i>Average of Period.</i>	<i>Despatched Annually.</i>	<i>Number of deaths.</i>	<i>Per cent.</i>
1881—85	3,271	172	5·8
1888—90	5,605	154	2·4
1893—95	10,042	67	0·6
1897—99	9,028	55	0·6

Mortality on gardens.—The following figures give the rate of mortality among labourers per thousand of average annual strength on gardens:—

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<i>Average of years.</i>	<i>Death per thousand.</i>
1878—80	50·7
1881—83	36·9
1884—86	39·9
1887—89	39·2
1890—92	37·6
1893—95	32·9
1896—98	40·2
1899—1901	29·6

The abrupt rise during the period 1896—98 was due to very high mortality among labourers imported from the remote districts of the North-Western Provinces.

Mortality in relation to districts of origin.—It is interesting to observe that mortality among labourers varied directly with the distance of the country of their origin from Assam. In the following statement mortality figures per thousand of labour strength according to the province of their origin are compared. For the sake of brevity statistics of every fourth year are collected.

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MORTALITY PER THOUSAND ANNUAL STRENGTH OF LABOUR- ERS ACCORDING TO THEIR ORIGIN

Chota N.-W.

Year.	<i>Assam. Bengal. Nagpore. Province.</i>			
	Deaths per 1000	Deaths per 1000	Deaths per 1000	Deaths per 1000
1883	27·6	33·8	43·3	54·4
1887	12·7	30·8	47·7	46·4
1891	18·3	32·1	41·1	51·9
1895	16·0	25·4	37·0	51·1
1899	10·2	25·7	31·5	34·1

It will be seen that the rate of mortality was lowest among the Assamese, and was higher among those from all the other districts of recruitment following in the order of their distance from Assam. The North-Western Provinces being the remotest had the highest mortality. The case of Chota Nagpore, however, requires some explanation. The Hills of this district provided (and still provide) the best type of labourer who was regarded as immune from malaria and other diseases of Assam. "Being aware of this preference" remarks an official report¹, "the persons from the upper country of the plains who may be desirous of getting engaged

1. Decennial Report on the Moral and Material Progress of India.
Parliamentary Papers 1894. Vol. LIX, p. 412

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resort it is said to the hills for the purpose of being recruited there." The high mortality among these people was, therefore, due to this fact.

The reason why mortality was highest among those classes who came from remoter districts is obvious. The change for these people of climate, diet and other sundry details of life was so radical that they could not acclimatize themselves easily to the conditions in Assam, and fell victims to various diseases. The long journey also weakened their power of resistance.

Mortality had also some relation to the agency of recruitment employed, and the conditions of harvest in the recruiting areas. The following table is of interest from this point of view:

Year.	MORTALITY PER 1000 OF IMPORTED LABOUR STRENGTH.		
	Total annual strength of imported.	Act labourers.	Free immigrants.
	Deaths per 1000	Deaths per 1000	Deaths per 1000

1882	39.4	67.9	29.3
1886	41.8	58.9	29.5
1890	39.7	55.6	28.8
1894	37.4	48.9	30.3
1898	36.7	47.0	31.1
1901	25.8	37.2	25.2

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It will be seen:

(i) that the general trend of mortality was downwards, due to improved conditions on gardens and better transport facilities;

(ii) that the death rate was higher among labourers imported under the Act than among free immigrants. This was due mostly to the inferior type of labourers brought by the contractors.

The figures given in the footnote¹ bring out another interesting point in this connection.

It will be seen that mortality on gardens in almost² every year varied directly with the varia-

Year	Total adults imported in 1000's	Mortality per 1000 annual strength.	Year.	Total adults imported in 1000's	Mortality per 1000 annual strength.
	1882	19.1	1892	41.8	47.7
1883	26.4	42.3	1893	37.1	37.9
1884	32.7	42.9	1894	35.8	37.4
1885	20.1	37.8	1895	56.5	38.7
1886	22.7	41.8	1896	61.3	36.1
1887	29.0	38.9	1897	66.3	47.4
1888	35.3	43.2	1898	35.5	37.7
1889	37.5	46.9	1899	25.8	32.0
1890	28.2	39.7	1900	45.0	31.8
1891	37.2	40.5	1901	19.8	25.8

2. The exceptions are 1887, 1896, 1900 when imports of labourers

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tions in imports of new labourers. It was higher during years of greater number of new immigrants and lower in years of scanty recruitment. This shows that the death rate was highest among newly-imported labourers, evidently due to difficulties of adaptation to new conditions of life. This was also due to the fact that the greater inflow of immigrants was during years of scarcity in the recruiting districts and, therefore, deaths were greater among these half-starved people. They were also weakened by the long journey in the case of those coming from remoter parts.

One is greatly impressed by the fact as one goes through annual reports on immigration that almost without exception success in obtaining greater numbers of labourers was due to scarcity conditions in the labour districts. During years of prosperity, on the other hand, the number of immigrants fell. These tendencies were, however, slightly modified by the condition of the tea industry also; when there was a great fall in tea prices, planters did not import as many new labourers as they did in years of better prices. This shows that tea gardens did not offer enough inducement to people in normal circumstances to go and offer themselves for work. They had to be driven out of their

increased while rate of mortality fell.

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homes by the fear of starvation. This apathy was due to some extent also to the long and tedious journey to Assam and the conservatism of an average villager, but that was not all. It was believed in early years that once a person went to Assam he was lost and had no chance of coming back to his village. The villagers were told by the few who returned about the dangers of diseases in an unhealthy damp climate. They were told of the penal contract which they had to sign and which meant nothing less than slavery for four to five years. The suspicions of the planter and the constant watch and guard kept upon the prospective 'criminal', which the labourer became the moment he thought of leaving his master were not calculated to inspire good faith in the mind of the prospective emigrant. The wages were also not high enough to serve as a palliative. People, therefore, avoided this adventure as long as they had sufficient to live upon at home. They only yielded to an inevitable fate when starvation was the only alternative left.

By the end of the century, however, some improvements had been brought about, although the penal contract was still there. The result was a greater willingness on the part of the people to emigrate.

(iii) *Conditions in general.*—There is no doubt

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that general conditions on tea gardens had greatly improved. The planting community with some exceptions had come to realise that a happy and contented labour force was far more efficient economically than a collection of persecuted discontents. Greater attention was being paid to the welfare of the labourer by providing him with better housing, better water supply and medical aid in hospitals at times of sickness and disease. "No one acquainted with the tea districts twenty years ago" wrote the Secretary to the Chief Commissioner of Assam in 1895 "could fail to be struck on revisiting them now with the vastly improved conditions of the houses in which the coolies live, of the water supply and the general sanitary surroundings of the lines. Twenty years ago, hospitals in gardens were practically unknown and new coolies were seldom or never dieted whereas at the present day no well managed garden is without a hospital while the practice of dieting new coolies is common everywhere."¹"

Another welcome feature was that increasing numbers of labourers after serving their terms of contract settled down in the province. They became petty traders, cartmen, or cultivators. It is not possible to give complete figures of the amount of

1. *Report on Labour Immigration into Assam 1895*, p. 57.

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land which was brought under cultivation by these people especially in the Surma Valley where they became tenants of private land holders. But so far as land taken up direct from Government is concerned, the following figures show the extent of the increase that took place:

Year.	Acres held.
1880	4,584
1890	32,360
1895	52,618
1899	83,977

Labour in relation to tea area.—In spite of all the handicaps to labour supply the industry was better supplied with labour at the end of the century than it was at the time when Act I came into force, as is shown by the following figures:—

Year.	Area under Tea Cultivation.	Total adult labour force.	Number of
			labourers per hundred.
1882	178,851	131,405	73
1890	231,038	250,133	108
1895	276,014	334,298	121
1900	337,324	414,900	123

Thus, we conclude that, although conditions of life on tea gardens had greatly improved and mortality among labourers had been considerably

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reduced under the regulations of the Act of 1882, the tea estates did not yet offer enough attractions to outside people to cause a spontaneous flow of labour for work in Assam. The chief deterrents were: the penal nature of the contract, inadequate wages offered by the planters and other sundry restrictions placed on the free movements of the worker on gardens. Gardens were better supplied with labour than before but the supply was still short of the requirements of the Industry.

CHAPTER VIII

ACT VI OF 1901

DISAPPEARANCE OF CONTRACTOR AND PENAL CONTRACT, 1901 --1915

IN spite of the various amendments introduced into the law it was found that abuses continued especially in connection with recruitment. The Bengal Government, therefore, appointed a Labour Committee to go into the whole matter. The committee reported in 1896 and came to the conclusion that malpractices had greatly increased since the Amending Act of 1893 was passed and that fresh legislation was required. This resulted in the passing of the Assam Labour and Emigration Act (Act VI of 1901) which with some radical amendments controlled the supply of labour to Assam for over 30 years. The chief changes brought about by this Act were as follows: —

(1) Local Governments were empowered to prohibit all persons from recruiting or engaging or assisting any native of India to emigrate from any specified part of its territories to the Assam Labour districts, otherwise than in accordance with such provisions of the Act as might be specified in the notification. Upon such prohibition unlicensed recruiting became a penal offence.

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(2) Licensed recruiters were compelled to register the emigrant if not in the actual district of recruitment at least in some central place near the district.

(3) The special procedure legalised by the Act of 1893 under which a labour contract for any Assam Valley district could be entered into by a so-called free emigrant at "Dhubri" just within the borders of Assam was abolished.

(4) The entering into a penal contract by a woman without the consent of her husband or lawful guardian was prohibited.

(5) The Act did not interfere with really spontaneous emigration, which was chiefly prevalent in the Surma Valley. It, however, provided that garden sardars sent by their employers 'outside' the provisions of the Act should have their permits countersigned in the labour districts and must report themselves to the magistrate of the recruiting district. They had also to report their departure and the number of persons they engaged.

(6) The Inland Emigration Health Act (Act I of 1889 Bengal Council) was repealed and its provisions were incorporated in the new Act.

(7) The maximum duration of the contract was fixed at four years. But in the case of contracts executed in the labour districts, otherwise than before a magistrate, the maximum term was not

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more than one year.

(8) Special provisions were made for new labourers who were to be given full wages for the performance of half tasks for the first six months of their residence on the gardens, unless the inspector certified that they were physically fit to perform full tasks.

(9) The Local Government was given power to cancel contracts if they had been obtained by coercion or misrepresentation, or on the ground of irregularity in recruitment, or in the execution of the contract. The contract could also be cancelled if it appeared that the labourer could not maintain himself with comfort because of the insufficiency of his earnings.

(10) Provisions were made for a minimum of monthly wage¹ contingent on the completion of daily tasks.

Thus the new Act made provisions for the control of the abuses that had sprung up under the system of free recruitment allowed by the Act

1 Wages fixed were as follows: -

	<i>Man</i>	<i>Woman</i>
	Rs. a. p	Rs. a. p
1st year 5 0 0	4 0 0
2nd and 3rd years 5 8 0	4 8 0
4th year 6 0 0	5 0 0

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of 1882, reduced the maximum period of contract to four years, fixed a statutory minimum wage and provided that the new recruits should be given light work to do in order to enable them to adapt themselves to the new conditions of life on the gardens.

There were, however, two great defects that were still left unremedied. Firstly, the new law did not abolish recruitment by contractors. Secondly, though the period of contract was reduced, its penal nature was still there. As we shall see presently, subsequent changes in the law remedied these defects.

Due to its multifarious restrictions, however, the new Act soon fell out of use especially in the Surma Valley. The planters did not like it, and began to resort to Act XIII of 1859 mentioned before. This Act regulated the relations between master and servant in general. The labourer was paid a bonus varying from 6 to 12 rupees at the time of entering into contract under this Act and the employer could indict him under the criminal law in the case of breach of contract. It had, therefore, from the point of view of the employer, all the advantages of the Labour Act of 1901 without its excessive restrictions. In the Assam Valley, Act XIII worked smoothly but in the Surma Valley some of the employers abused its provisions by

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making contracts for unspecified periods. This Act did not set any limit to the contract, and did not make it obligatory that the contracts should be in writing.

In 1906 the whole question of labour supply was referred to a committee. After a thorough investigation the committee came to the conclusion that although they were favourably impressed with the conditions of the labourers, the arrangements made for their comfort and the reasonableness of the tasks, the demand for labour was still largely in excess of the supply. They attributed this state of affairs to the abuses of the "free emigration" system that had existed under Act I of 1882, the penal nature of the contract, and also to the increased demand for industrial labour in or near the recruiting districts. They also attributed it to the lowness of statutory wages in Assam.

The Government of India in passing orders on the report rightly remarked that it was not by legislation or regulation that conditions would be improved but by the efforts of the industry itself in presenting to the labourers more attractions on the tea gardens. The Government, however, recognised that there was already evidence of a movement towards greater freedom for the labourer and

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towards making his life on the gardens congenial.¹

Changes in the Law.—Meanwhile certain changes were made in the Act itself. Following the recommendations of the Committee of 1906, the Government of India issued orders under which the local government by a notification published in January 1908 declared that all the eight labour districts of the Province of Assam should cease to be subject to the provisions of Section 118 to 121 and 195 and 196, of the Act of 1901. By the withdrawal of Sections 118 -121 labour contracts under the Act could not be executed after the labourer had been brought up to Assam as a free emigrant. In future contracts could only be made in the recruiting districts among the friends of the emigrant, where he could appear before the magistrate knowing his own language. Time expired labourers also could not be engaged under the Act any longer. By the withdrawal of Sections 195 and 196 the employer lost the right of private arrest of those who deserted.

The Committee of 1906 did not favour the complete withdrawal of the Act from certain districts of Assam as was the intention of the Government of India. The committee regarded some control over contractors and garden sardars essen-

¹ *Decennial Report (1901-11)*, p. 370.

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tial. The provisions of the Act were, however, modified by an Amending Act (XI of 1908) which enabled local governments to dispense with or relax any provisions of Chapters III and VI of the Act of 1901. The former of these chapters regulated the procedure of recruitment by contractors, and the latter dealt with the question of transport.

The Act was, however, falling into disuse especially in the Surma Valley. By a notification (No. 7346 M. of 27th October, 1908) under Section 221 of Act VI of 1901 the provisions of Chapter VII (dealing with the regulations in the Labour Districts of Assam) other than Sections 122, 123, 159, 62, and provisions of Sections 187—212 inclusive, were withdrawn from the Surma Valley and districts of Kamrup and Goalpara. Thus the penal contract disappeared from these districts.

The net results of these changes were:—

(1) Labourers were not permitted to enter into contract under Act VI of 1901 in the labour districts.

(2) Contracts could only be entered in the recruiting districts with the labourers proceeding to the four districts of Upper Assam Valley *viz.* Seesbaug, Darrang, Nowgong, and Lakhimpore. The remaining four districts of the province (two of Surma Valley and two of the Assam Valley) were excluded.

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(3) Emigrants to the Upper Assam districts who were recruited by sardars working under the Tea Districts Labour Association, to which special privileges were conceded, could not be placed under contract.

(4) Deserters could no longer be arrested without a warrant in any district, but the other provisions of the Act remained in force in the Assam Valley (four districts).

(5) In the Surma Valley, and the districts of Kamroop and Goalpara employers were still bound to submit returns; gardens were liable to inspection; and labourers could be repatriated in certain cases.

Encouragement of sardars. In order to encourage the sardari system and reduce abuses of recruitment, control over contractors was tightened and recruitment by unlicensed contractors was abolished and the licence of recruiters was limited to their own districts. The whole of the United Province and the Patna and Bhagalpore divisions were closed to contractors to give a great impetus to sardari recruitment in those districts. Moreover, new areas were thrown open for recruitment by garden sardars in Madras, and all provinces offered facilities to sardars working under responsible local agents, and under the control of certain employers' organizations. The railway companies

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arranged to run through carriages and give free concessions to the sardars.

Abolition of the Contractor.—In August 1908, Mr. J. F. Grunning was placed on special duty to visit the recruiting districts with a view to remove the existing prejudice against Assam. After an extensive tour Mr. Grunning submitted a note to the Bengal Government which was circulated among the planters. His conclusion was that the prejudice against Assam would only disappear when the Act was withdrawn from all the labour districts and the system of contractors was abolished.

At the instance of the planters themselves the Government of Bengal by a notification closed the districts of Havanah and Sambalpore of the Burdwan division to the contractors from August 1, 1910. It was not, however, until 1915 that Act VIII of that year was passed by the Imperial Legislative Council which entirely abolished the system of recruitment by contractors.

Disappearance of Penal Contract from Assam.—In the meantime the question of the withdrawal of the labour districts provisions¹ of the Act of

1 Labour districts provisions were contained in Chapter VII of Act VI of 1901. They regulated the relations between the employer and the labourers on tea gardens e.g., questions of wages, breaches of contract,

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1901 from the remaining districts of Assam was under discussion. The chief difficulty was that planters wanted security against enticement in the absence of penal contract. Efforts were made to introduce a Bill into the Legislative Assembly to provide certain safeguards in this connection but the Secretary of State did not accept the principles of the Bill. This matter was left to the planters themselves, and it was decided that the Labour District Provisions of Act VI should be withdrawn with effect from July 1, 1915. Thus disappeared the penal contract from Assam.

By the withdrawal of the labour districts provisions of Act VI of 1901 the system of indenture disappeared. This was, however, only a formal recognition of an accomplished fact. The Act had practically fallen out of use as far as the penal clauses were concerned. The following figures show how rapid was the decrease in the proportion of indentured labourers on gardens: -

Year.	Total adult labour force.		Per cent.
	Thousands.	No. of indentured recruits. Thousands.	
1904—5	247	80	32
1910—11	463	20	4
1914—15	530	8	1.5

repatriation, keeping of schedules of work etc

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Workmans' Breach of Contract Act (XIII of 1859).—There was one loophole still left. Penal contracts were made in large numbers under Act XIII of 1859, since the Act of 1901 had come into force. And this Act was still popular because of the reasons mentioned before. It was amended in 1920 by Act XII of that year, by which a limit of one year was fixed for contracts executed under it. In 1921-22 the Labour Inquiry Committee which examined certain problems in connection with labour reviewed in detail the working of Act XIII and recommended that the Act should cease to apply to tea gardens in Assam and the Government accepted the finding. But even this Act had fallen into disuse by this time. "The reduction in the number of cases instituted for breach of agreement," wrote the Secretary to the Government of Eastern Bengal and Assam in 1923 "goes to show that the managers are adapting themselves to the changed conditions and are preparing for the time when the Act will be withdrawn". The Act was repealed in 1923 with effect from 1926, and with it disappeared the last vestiges of the penal contract from Assam.

The Bonus.—Although the penal contract had disappeared some of its associations were kept alive by planters. The bonus that they used to give to new recruits under Act XIII of 1859 continued

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to be given. The Royal Commission on Labour in India reporting in 1931 wrote "On many gardens the thumb impression is taken when the bonus is paid, although this is not done when the worker receives his wages..... The thumb impression is usually taken on a register or on a piece of paper but some planters have devised a form which bears a marked resemblance to the form used in the days of the penal contract, and we came across an instance where the thumb impression was still being taken on old forms."¹ The object of the thumb impression was to bind the labourer by a civil agreement but the ignorant worker could hardly distinguish between the penal and the civil nature of his agreement. "So far as we could ascertain," remarked the Commissioners "few steps had been taken to acquaint the labourers with the vital change made in the law; and some officials appeared to be apprehensive of the consequences of any sudden access of knowledge of this kind."¹ The Commission, therefore, recommended that "officials as well as planters should take steps to acquaint the workers with the change in the law in regard to penal contracts".

The Government of Assam (General and Judicial Department) in their letter, dated 13th December,

1. *Report, Royal Commission on Labour in India*, p 370

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1933) to the Assam Branch of the Indian Tea Association while conveying this suggestion of the Commission added "The legal position is that there is no penal contract in the gardens and that the tea garden labourer is a free agent. While accepting this recommendation the Government are of opinion that publicity on these lines should be carried on with circumspection, since explanations are apt to be misunderstood or misconstrued by ignorant coolies. Full explanation of the condition of service prior to recruitment is probably the best form of publicity."¹

We fail to appreciate the logic of this qualified publicity. If it is desirable to remove all the objectionable features of recruitment for Assam tea gardens in order to encourage the spontaneous flow of labour, the real nature of the legal position should be made clear to the labourer by every means and without hesitation.

¹ *Report, General Committee of Indian Tea Association for 1933, p 371.*

CHAPTER IX

THE DEFECTS¹ OF THE AMENDED ACT, 1915- 1932

1 In their *Memorandum to the Royal Commission on Labour in India*, the Indian Tea Association gave a long list of the defects of the Act of 1901. This is reproduced below:

- (a) "Owing to repeated amendments of a slipshod character much of what remains is legally meaningless.
- (b) It limits recruitment to one class of persons only, and allows no alternative method of obtaining labour even as a recruiting nucleus.
- (c) It deprives Assam employers of an important advantage enjoyed by all other employers, namely the right of their agents to assist and forward voluntary emigrants who might have been engaged by the employer personally or otherwise induced to go to a particular estate.
- (d) It makes no discrimination possible between labour emigrating with a view to colonizing and short term labour going up with a guarantee of repatriation on a definite date.
- (e) It makes no provision for relaxations or experiments other than the sweeping action of Section 92.
- (f) It is not possible to relax the strict procedure of the Act to meet emergent conditions such as arise in seasons of severe scarcity or famine. This fact besides handicapping the Assam employer militates against the scarcity-affected labourer, who desires immediate employment. By the time he reaches the garden under present conditions he is emaciated and in need of medical treatment.
- (g) It is not possible under Act VI to remove restrictions from the methods of recruitment, while retaining power and prevent evil-

After the abolition of the contractors' system in 1915 the only agency for recruitment permitted by law remained to be the garden sardar. It was an offence on the part of anyone except a garden sardar certificated according to rules, to assist or persuade any native of India to emigrate for work on the Assam tea gardens. The result was that the employer had no other source of supplying labour. This led to the practice of sending all sorts of people as garden sardars; and sometimes professional recruiters enlisted themselves as labourers to be sent back for recruitment purposes as garden sardars. Thus the advantages that were contemplated by the encouragement of the sardari system were greatly handicapped. The garden sardar, it was hoped, would be more successful because of his intimate knowledge of the conditions of work on the gardens. This would have been no doubt true in the case of *bona fide* garden sardars. But in practice a greater proportion of people sent as garden sardars had stayed only a few days on the estates, and they were sent for recruitment. They could not possibly have enough

doers (h) The gravest defect of Act VI is that it provides local governments with a means of stopping or restricting Assam recruiting, whereas they have no such power with regard to other industries " Evidence vol VI, part I p 67

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experience of garden life to be successful in their mission. Great abuses thus crept into the system. "Cases have come to our notice" wrote the Whitley Commission, "of men who make a profession of going down as sardars to be recruited again for a different garden in order to pocket the payments which are made to new recruits". "As employers are debarred from employing licensed contractors" continued the Commission. "they have appointed a large number of workers as garden sardars irrespective of their suitability as recruiters. On an average about 7 per cent of the total number of labourers on the books of tea garden, managers are sent out as sardars each year to the recruiting districts. It is estimated that about one half of this number do not bring back a single recruit to the garden and roughly one-third even do not return to their gardens."¹ Everyone who went on leave was given a sardars' certificate because otherwise he could not be assisted to return to Assam unless it be by a certified garden sardar. The greatest anomaly was that even the employer himself could not assist or persuade any person to emigrate to his own garden for work as a labourer. The Act did not allow him even to advertise or to do propaganda in the recruiting districts. It was not

1. *Report. Royal Commission on Labour.* p 365

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surprising under these conditions, in view of the fact that the stage of a spontaneous unassisted inflow of labourers into Assam had not yet arrived, that the industry was starving for labour power.

The Royal Commission was in favour of free recruitment, in the sense not of removing all control over the engagement and forwarding of recruits, but in the more accurate sense of withdrawing all special restrictions on the agencies for obtaining recruits. "We advocate" wrote the Commissioners "that in all provinces there should be complete freedom to bring recruits to a forwarding agency and to engage them there. The Assam employer should be left as free as any other employer to select the agents whom he considers best fitted to obtain recruits."¹

According to the Commission control over forwarding of assisted emigrants was still necessary especially as regards the more important recruiting areas. It was recommended that recruits should be forwarded only through depots maintained by the industry and in charge of a local agent appointed by the industry and approved by Local Government. The ultimate aim, however, was to be "to reach a stage where all restrictions on forwarding could be removed". The Commissioners were satisfied

1. *Report*, p. 370.

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that this stage had not reached everywhere but they thought that in certain recruiting areas it might be possible to remove all restrictions at once.¹

Other restrictions. --In addition to the restrictions placed upon the agencies of recruitment, the Act of 1901 also restricted the areas from where recruits could be engaged. The recruiting areas to which the Act applied were Madras, Bengal, the United Provinces, the Central Provinces and Assam itself. Section 3 of the Act provided that "The Local Government may with the previous sanction of the Governor-General-in-Council by notification in the *Local Official Gazette*, prohibit all persons from recruiting, engaging, inducing or assisting any native of India or any specified class of natives of India to emigrate from the whole or any specified part of the Province, to any labour district or any specified portion of any labour district, either absolutely or otherwise than in accordance with such of the provisions of this Act as may be specified in the notifications."

This power was exercised by various governments as given in the footnote², and in the case of

1 *Ibid* , p 371

2. (a) For notification prohibiting the recruitment of labourers in the Porahat estate in accordance with Chapter II of the Act See *Calcutta Gazette* 1906, part I p 1774

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five divisions and two districts of the United Provinces, recruitment was prohibited altogether in particular localities. The Royal Commission on Agriculture in India wrote in 1928. "All restrictions on free movement of labour in India should be reduced to the minimum and should be abolished as soon as possible."¹ The Royal Commission on Labour reiterated the same in even stronger words: "We recommend that the power to prohibit recruitment should be withdrawn immediately and that in future no barrier should be set up to prevent the normal play of social and economic forces in attracting labour from one part of India to another."²

The Assam Labour Board.—Another defect of the system that grew up under Act VI of 1901 was that the recruitment of labour for Assam was under a double control. In the recruiting districts

(b) For similar notification by the Chief Commissioner, Central Provinces. See *C. P. Gazette*, part III, p. 119;

(c) by Government of Madras, see *Fort St. George Gazette* 1901; part I, p. 1861 and also 1908, part I, p. 809.

(d) by the Government of United Provinces, see *N.-W. P. and Oudh Gazettes* 1901, part I, p. 735, and also *U. P. Gazette* 1902, part I, p. 221:

1. *Report, Royal Commission on Agriculture*, p. 587.

2. *Report, Royal Commission on Labour*, p. 363.

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licensed local agents were set up to supervise the activities of the garden sardars. The Provincial Governments concerned had framed rules under the Act of 1901 to provide for the supervision of recruitment, provisions of accommodation and the maintenance of registers by local agents, and other regulations to prevent fraud, misrepresentation and similar abuses. In certain cases, a garden sardar could be prosecuted and imprisoned, for instance, if he recruited independently of the local agent. Local agents were employees of the industry but they were also under the control of the district authorities. The industry exercised control through a Board, called the Assam Labour Board, constituted in 1915. This Board consisted of fifteen members, all of whom were representatives of the tea industry. The Chairman, however, was a Government official and was appointed by the Government of India. Under the Chairman, were three supervisors who controlled the vast field of labour recruitment by supervising the work of local agents whose depots were scattered all over the recruiting districts. The Board was chiefly financed through a cess levied on the owners of gardens, the Government contributing a small proportion. The chief objection to the constitution of the Board was that it did not represent the whole of the tea industry. It was chiefly a representative of

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the Tea Districts Labour Association, and all the employers were not members of that Association.

A word may be said here about the history of the *Tea Districts Labour Association*. Planters' Associations were formed as early as the year 1859 for organizing a system of labour emigration, but the control was exercised chiefly by Government officials during the years that followed. In 1892, a meeting was called by the Bengal Chamber of Commerce to discuss the question of the formation of an Association to deal with the question of labour supply. The result was the Tea Districts Labour Supply Association, which took over all the smaller associations with the exception of the Assam Labour Association. Soon after this the Government granted certain concession to these Associations, for example, the local agents who were their employees were allowed to Act without the necessity of producing recruits before a magistrate. The work of supervision and control over the garden sardars and local agents was taken over by the Assam Labour Board from 1915. Meanwhile the Assam Labour Association became amalgamated with the Tea Districts Labour Supply Association and in 1917 the new body formed was denominated as the Tea Districts Labour Association. The latter is managed by a committee composed of members representing about 90 per

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cent of the tea gardens.

The Assam Labour Board, therefore, did not represent the remaining 10 per cent of the industry. Moreover, representation on the Board was confined to the tea industry alone, although Act VI of 1901 applied to labour recruited for all the industries in Assam. The Whitley Commission was in favour of abolishing this Board "we recognise" wrote the Commissioners "that the Board and its officers deserve a share of credit for the great improvements which have taken place since its inception, but those improvements are due in large measures to the tea employers acting through their own principal recruiting organisation, the Tea Districts Labour Association. The Board, in addition, served a useful purpose during a period when reforms were being attempted, by providing a link between the industry and the Central and Provincial Governments. The main difficulty in the existing system is that the Board, which is responsible for the prevention of irregularities, exercises with Provincial Governments an overlapping control in the recruiting areas, but has no authority after the emigrant has reached Assam.¹" To avoid this duel control, the Commissioners suggested the appointment by the Government of India of an officer in

¹ *Report*, p. 373.

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Assam, who would look after the interests of emigrants who had not yet decided to settle down in Assam permanently. They called him the "Protector of Immigrants". His duties were described as follows:—"He would be required to keep in touch with the recruiting provinces and will have the right at all reasonable times, with or without notice, to enter any garden in order to inspect the condition of workers from other provinces, and of their housing accommodation, etc..... It would be the duty of the Protector to bring cases of wrongful recruitment to the notice of the Provincial Government concerned and to advise on all matters connected with the migration of labour to Assam. The Protector should also be entrusted with the responsibility for the emigrants during the journey and should be in a position to take up the prosecution for persons forwarding emigrants otherwise than in accordance with the Act and of ensuring that the emigrant is cognizant of his rights under the law before he reaches the gardens."¹ It was suggested, that the Protector and his staff should be financed by a cess levied on emigrants, similar to the one levied at that time on garden sardars and emigrants for the purpose of financing the Assam Labour Board.

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Another matter to which the Commission drew attention was the difficulty of returning from Assam, once a worker had gone there. This was due to the remoteness of the tea districts and the expensiveness of the journey. "We believe" wrote the Commissioners, "that if the worker went to Assam with a guarantee that he could return if he so wished, after a reasonable period, many of the difficulties both of the employers and workers would disappear". "Our main proposal is" continued the Commissioners, "that every future assisted emigrant to an Assam tea garden, whether coming from an area of free or of controlled recruiting, should have the right, after the first three years, to be repatriated at his employers' expense.¹" Earlier repatriation was recommended in certain cases, like those wrongfully recruited, physically incapacitated, dismissed workers (unless due to wilful misconduct), and those subjected to physical violence on the part of the employer. "The scheme if put into operation," concluded the Commission "should lead to a substantial increase in the number of candidates for emigration, and for ever destroy the belief, that Assam is a country from which return is difficult or impossible. It should lead to a healthy rivalry among garden managers

¹ *Report*, p. 379.

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in matter of improving conditions, while it will give the labourers a greatly increased sense of security.¹"

Closely following the recommendations of the Royal Commission, the Tea District Emigrant Labour Act of 1932 was passed by the Central Legislature. This measure came into force on October 1st, 1933. In the next chapter, we shall study the provisions and the working of the new Act.

1. *Ibid.*, p. 381.

CHAPTER X

THE PRESENT SYSTEM OF CONTROL, 1933—1939

AT present control on emigration to Assam is exercised under the Tea Districts Emigrant Labour Act (No. XXII) of 1932, which has been in force since October 1st, 1933.

PROVISIONS OF ACT XXII, 1932

Controller of Emigrant Labour (Section 1).—The Act provides for the appointment of an officer called the Controller of Emigrant Labour in order to supervise the working of the Act, if necessary Deputy Collectors can also be appointed. The Assam Labour Board has disappeared.

Emigrant Labour Cess (Section 5).—The expense incurred on the Controller and his staff is met by a Cess (Emigrant Labour Cess) imposed per head of emigrant labour, on the employers. This constitutes the Emigrant Labour Fund which is administered by the Governor-General-in-Council.

Controlled Emigration Area (Sections 16—22).—Local Government of a recruiting province by notification in the *Local Official Gazette* may declare any area, within such province, to be a

“Controlled Emigration Area”. From the date on which such notification takes effect, any person who wants to act as a ‘local forwarding agent’ must get a licence from the Local Government or any District Magistrate empowered by it for this purpose. The licence is only granted on application by an employing interest. Before such an application is entertained, the Controller of Emigrant Labour must ascertain, that the employing interest making the application has made proper provision for the forwarding, accommodation, and feeding of emigrants on their journey to the tea estates on which they are to be employed.

All recruits in the Controlled Emigration Areas must be sent to the depot of the Local Forwarding Agent licensed for the area. At every such depot proper arrangements must be made for the accommodation and feeding of emigrants and their families.

From these depots the emigrants are forwarded to Assam in company of a competent person deputed by the Local Forwarding Agent; and they must be sent in a manner and by the route prescribed by rules made under the Act.

The employing interests’ recruiting labour in a Controlled Emigration Area, must maintain depots at reasonable intervals on the prescribed routes for the accommodation and feeding of “assisted

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emigrants¹" and their families. Provision is also made for the inspection of depots, vessels, and vehicles on the prescribed routes in order to see that accommodation, feeding and sanitary arrangements are provided for the emigrants.

Restricted Recruitment Area (Sections 26—28).—The Local Government of a recruiting province may by notification in the *Local Official Gazette* declare, any Controlled Emigration Area, or any part thereof, to be a "Restricted Recruitment" Area. From the date on which such declaration becomes effective recruiters in that area must get a licence, to carry on their recruiting activities. Licences to recruiters are granted by the District Magistrate according to rules prescribed by the Local Government.

In addition to the licensed recruiters, the agency of garden sardars is also recognized. The sardars need not have licences but they must possess certificates granted by their employers for recruiting labour according to rules prescribed by the Local Government.

Supplementary provisions (Sections 32—34).—Supplementary provisions are made to prevent recruitment of children, to detain sick persons, and to return improperly recruited persons, etc.

Repatriation (Sections 7—11).—Provisions are

1. For the definition of "assisted emigrant". See page 117 foot-note.

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made for the repatriation of labourers from tea gardens of Assam to their homes. A general right of repatriation after three years is recognized in the case of every 'assisted' emigrant. Earlier repatriation can be claimed (a) by the labourer who is dismissed otherwise than on account of wilful misconduct, (b) by the family of a deceased emigrant labourer, (c) in the case of ill-health, failure on the part of the employer to provide suitable work, unjust withholding of wages.

Repatriation may be applied for before the expiry of one year from the entry of a labourer into Assam on the ground: (a) that he was recruited by coercion, undue influence, fraud or misrepresentation or (b) that he was recruited otherwise than in accordance with the provisions of the Act and the rules made under it. Criminal courts can order repatriation if criminal offence is committed against a labourer by an employer, or his agent.

It will be seen that the new Act meets practically all the chief defects of the Act of 1901 as pointed out by the Labour Commission. Supervision is entrusted to an officer appointed by the Governor-General-in-Council and not to the Labour Board, the representative of the employing interests. In Controlled Emigration Areas, recruitment is free though control is exercised at the forwarding state. Even if an area is declared a Restricted

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Recruitment Area, the agency of recruitment may be a licensed recruiter or a garden sardar holding a certificate. The old anomalous position when no one but a garden sardar could persuade a person to emigrate has disappeared. The chief advantage of the new Act is the scope of elasticity in administration that it provides. It is only when a Local Government takes the positive step of declaring any area either as a Controlled Emigration Area or a Restricted Recruitment Area, that the provisions of the Act become operative in such an area. Moreover, the Local Government can declare any provision, of the relevant chapters as not applicable in such areas or parts thereof, or can make them applicable only subject to general or special relaxations as may be specified. On the other hand, the provisions of the Act can be extended, if necessary to include estates in Assam other than tea estates, or to districts other than tea districts.

Let us now proceed to examine the working of the Act of 1932.

THE PRESENT SYSTEM AT WORK

1. *Recruitment*.— So far no area has been declared a 'Restricted Recruitment Area'. Areas have been declared as 'Controlled Emigration Areas' in six recruiting provinces, *viz.*, Bengal, Bihar, Orissa, the

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Central Provinces, Madras and the United Provinces. The Bombay Presidency is still an uncontrolled emigration area though by the 'assistance' of the Tea Districts Labour Association emigrants are recruited through their depot at Igatpuri. Fifty per cent of the total recruits are supplied by Bihar. Next comes Orissa. These two provinces together supplied about 85 per cent of the total emigrants in 1936-37.

By far the largest proportion of recruitment is carried on by the Tea Districts Labour Association through its Local Forwarding Agencies. For instance, in the year 1936-37 this body recruited 20,810 souls, out of a total recruitment of 23,175, the remaining 1,942 being recruited by the other¹ Local Forwarding Agencies at Ranchi.

An emigrant may go to Assam either as an 'assisted'² or a 'non-assisted'² or a 'volunteer'²

1. Superintendents Makum (Assam) and Namdang Tea Companies Limited; Shaw Wallace and Company; Empire of India and Ceylon Tea Company Limited

2. According to Section I (f) of Act XXII of 1932, an "assisted emigrant" "means an adult who, after the commencement of this Act, has left his home in any recruiting province or any Indian State, is proceeding through any part of British India to any place in Assam to work as a labourer on a tea estate and has received assistance from any person, but does not include any person who at any time within

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emigrant.

The table below gives the relative strength of each class of emigrants (and their families) for the last two years for which statistics are available.

<i>Year.</i>	<i>Assisted.</i>	<i>Non-assisted.</i>	<i>Volunteer.</i>	<i>Total.</i>
1935-36	23,175	4,023	704	27,902
1936-37	26,083	4,961	1,759	32,803

It will be seen, that though the number of volunteer emigrants was higher during the second year, by far the largest proportion of recruits received assistance in both the years.

As regards the means of recruitment the garden sardar is still by far the most important. In 1936-37, only 1,333 souls were recruited by means other than the garden sardar. It will be recalled that one defect of the sardari system pointed out by the Labour Commission was that a garden sardar was rarely able to bring more than one recruit; in

the two preceding years has worked as a labourer on a tea estate."

Ex-garden labourers returning to Assam within two years are called "non-assisted" emigrants

"Assistance" (Section I (g) of Act XXII of 1932) "means the gift or offer of money, goods or ticket entitling to conveyance to any person as an inducement to such person to proceed to Assam to work as a labourer on a tea estate "

A 'volunteer' emigrant is an emigrant who has proceeded to Assam at his own expense.

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many cases he brought nothing. The reason probably was that most of these garden sardars were sent less as agencies for recruitment than as means of repatriation of labourers. Now that the Act entitles every emigrant labourer to repatriation after three years those who are sent as garden sardars really go for the purpose of bringing recruits. The statutory repatriation, and better supervision *en route*, moreover make the task of the garden sardar still less difficult. But when the harvests are bad and scarcity prevails in the recruiting areas the number of people willing to emigrate is so great that the employer can exercise a choice. "Recruitment was restricted by many employers to married couples only" says the report of the Controller of Emigrants for the year 1935-36 "and as a result many labourers sought recruitment at the Local Forwarding Agencies by falsely describing themselves as married couples".¹ "Bad harvests and scarcity of the last year" says the next year's report (1936-37) "had not the effect of raising prices sufficiently owing to the importation of foreign rice. The result was that more labourers were available than the demand, as in the last year, and consequently employers had the advantage of

1. *Annual Report etc. of Controller of Emigrant Labour for the year ending the 30th September, 1936.* p 5.

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making a choice of the best labourers suitable for garden work. As before, recruitment was restricted by many employers to married couples only. The result of this policy was that many labourers falsely described themselves as married couples before the Local Forwarding Agents in order to migrate to Assam.”¹

There were bad harvests in the past but the supply of recruits was never said be in excess of demand. Many factors are responsible for this situation in addition to the seasonal factor noted above. The demand of the industry for imported labour is less now than it used to be. This is partly due to the growth of the settled population of Assam and partly to the depression in the industry and the consequent restriction of area and production under the various ‘Restriction Schemes’.

As regard the first factor, the table below gives the percentage of labour locally added to the total added in the two valleys of Assam for certain years:—

1. *Report for 1936-37.* p 5.

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Year.	ASSAM VALLEY.		Percentage of locally added to total	
	Total added.	Imported.	Locally added.	(thousands) added.
1923-24	86	34	60	60
1932-33	105	39	66	63
1936-37	86	28	58	68
SURMA VALLEY.				
1923-24	30	8.0	22.0	73
1932-33	25	0.6	24.4	98
1936-37	23	0.3	22.7	99

It will be seen, that the Surma Valley has become practically independent of outside labour supplies. Even in the Assam Valley increasing proportion is being employed locally and less than one-third of labour force is added annually through importation from outside provinces.

The necessity of additions arise, less from the expansion of industry than from the need to replace losses either through death or emigration every year. The following table gives the mean annual strength of labour on gardens, number of labourers per hundred acres, and production of tea per labourer in the Assam Valley.

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Year.	<i>Mean annual strength.</i>	<i>Acres under tea.</i>	<i>No: of labourers</i>	<i>Production of tea.</i>	<i>per 100 (million tea per acre un- lbs.)</i>	<i>Pro- duction of labourer per tea.</i>
	<i>(thousands)</i>	<i>(thousands)</i>				<i>lbs.</i>
1922-23	671	266	252	137	204	
1929-30	744	285	....	185	249	
1932-33	762	287	265	176	231	
1935-36	810	295	275	159	198	
1936-37	804	296	272	160	200	

Thus in recent years:

- (i) Area under tea has increased very little.
- (ii) Production has considerably decreased.
- (iii) Between 1922-23 and 1929-30 the mean annual strength increased by 11 per cent, while between 1929-30 and 1936-37 it increased by 7 per cent. In recent years it has been constant per 100 acres of tea.
- (iv) Though the number of labourers during the last eight years show a slight increase production per labourer has considerably gone down.

These tendencies show that in recent years the industry has ceased to expand and the demand for labour, therefore, has considerably gone down. The existing labour strength¹ is doing less work

1. Total labour strength includes all workers and non-workers living

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per head than before due to finer plucking under the crop restriction schemes. The fall in the amount of work per labourer is also reflected by the fall in wages in recent years as the following figures show:—

AVERAGE WAGE (TWO MONTHLY AVERAGE) PER LABOURER.

<i>Year.</i>	<i>Men.</i>	<i>Women.</i>	<i>Children.</i>
1928-29	13	2	3 10 6 3 6 10 10
1933-34	9	9	7 7 4 9 5 7 1
1936-37	6	12	9 5 5 9 3 12 10

A child was getting as much in 1928-29, as a man is getting now.

Thus, while the supply of emigrant labour has increased due to greater incentive to emigration from recruiting areas the demand for it has gone down due to increased local supply and depression in the industry. No wonder that the garden sardar is more successful now in recruitment than before and thus the cost of recruitment has gone down as the table given below indicates.

on tea gardens. It has been assumed that the proportion of non-workers was constant every year of the period.

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<i>Year.</i>	<i>No: recruited per garden sardar.</i>	<i>Cost per soul recruited.</i>	<i>Cost per adult recruited.</i>
1929-30	1 or less	Estimated at 150 to 200	
1934-35	4.06	57 1 6	76 15 0
1935-36	5.10	55 10 0	75 12 0
1936-37	6.10	63 15 0	83 12 0

The recruiting costs have practically been halved. The increase for the last year is due to the fact that repatriation expenses for a larger number of labourers repatriated that year were also included in the costs. Costs minus repatriation remained constant.¹

2. *Forwarding.*—At present there are two systems of forwarding as approved by the Controller. One is that provided by the Tea Districts Labour Association, and the other by Messrs. Midland Bose and Company Limited. The first, however, is by far the most important. Out of a total of 26,083 souls forwarded during the year ending 30th September 1937, as many as 24,898 were forwarded by the Tea Districts Labour Association. From January to June is the busiest period during which over 90 per cent of the recruits are forwarded.

It will be recalled that one of the chief reasons

1. *Report of Controller, 1936-37*, p. 5.

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for Government interference in emigration to Assam was the enormously high death rate among labourers during transit. Thanks to the expert supervision and effective¹ medical and feeding arrangements now made, the death rate in transit is negligible. During the three years ending on September 30, 1937, a total of 78,192 souls were forwarded to Assam, and the total deaths *en route* numbered only 34, or less than $\frac{1}{2}$ per thousand. Most of those who died were infants.

The expenses of the Controller and his staff as we have already seen are met from the proceeds of the Cess imposed per head on emigrants. This is levied by selling emigration certificates to the employing interests. The rate of the Cess was Rs. 5 during the first year, and Rs. 3 in subsequent years. During the year 1936-37, Rs. 51,443-2-0 were realised by this means as against Rs. 44,343 during the previous year.

3. Repatriation.—An emigrant labourer (assisted) is entitled to repatriation under a number of

1. "In the course of his tours" says the *Controller in his Report for 1936-37*, "the Controller visited transit depots along the forwarding routes, and found that the arrangements for feeding and forwarding were satisfactory. He often met parties of labourers who expressed their satisfaction with the behaviour meted out to them by the recruiters engaged by the employing interests," p. 7.

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circumstances as noted before. Everyone, however, has to be repatriated if he so desires after completion of three years on the tea gardens (Section 7). As the Act of 1932 came into force on October 1, 1933, the first year in which statutory repatriation under Section 7 became effective was the year 1936-37. Out of a total of 26,473 souls repatriated during that year 25,449 were repatriated under Section 7 (after completing their three years' service). The reasons for the rest are given below:—

*Emigrants
and families.*

Under Section 8 (on dismissal)	...	28
" Section 9 (families of deceased labourers) ....	....	641
" Section 10 (1) (ill-health) ....	....	115
" Section 10 (2)Illegal recruitment ..	..	1
Unsuitable for garden labour ....	...	28
Blindness .... ....	....	1
At labourers' own request ....	....	205
Absconcence of husband from tea estates....		5

Total ....	....	1,024
Section (7) ....	....	25,449

Grand Total ....	....	26,473

The provision for a general right of repatriation after three years in Assam has considerably en-

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hanced the attractions of tea gardens of Assam. As the conditions of life and work on tea estates is of the highest importance from the point of view of a constant flow of labour for work on such gardens, we propose to devote the next chapter to the study of garden life as it exists to-day.

CHAPTER XI

CONDITIONS¹ ON GARDENS

THE happiness of a labourer on tea gardens is determined primarily by the following three factors:—

(A) Wages—their amount and manner of payment.

(B) Sanitation and general conditions of life and welfare.

(C) Relations with the employer.

Let us study each of these factors in detail.

(A) *Wages*.—Two systems of wage payment prevail in Assam. One is the old system called the “Hazira” and the “Ticca” system, and the other, that has become common recently is the “Unit” system. “Hazira” is the standard daily task which a worker is expected to perform² in order to earn a definite

1. *The Report of the Royal Commission on Labour (1931)* has been of immense value for writing this chapter. In fact, the writer has had no option but to agree with most of their conclusions because of their masterly survey of the position.

2. The labourers work in groups or “gangs” under garden sardars who receive a commission varying from half an anna to two annas in the

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amount of wage fixed by the manager according to certain standards. This the worker usually accomplishes in the morning in about four to five hours. During the rest of the day he can earn overtime wages called the "ticca". An individual can earn more than one "ticcas" in a day. Thus the system of cash earnings is elastic and enables workers to increase their incomes according to their diligence.

This system has been largely replaced recently by what is known as the "unit system" of wages. This implies a system of piece work. The worker enjoys laxity in attendance, and payment is made for each unit of work, which in the case of hoeing and pruning is based on the one anna unit and in the case of plucking on the one pice unit. The period of payment of wages varies in different gardens; some pay weekly, others monthly and a few daily.

Non-cash payments.—To appreciate the extent of real wages of the worker, in addition to the cash earnings, account has also to be taken of other "concessions" that he enjoys, which are not available to an ordinary factory labourer in towns. The most important of these concessions is the amount

rupee on the earnings of their gangs, in addition to their fixed monthly wage.

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of land given to him for the purpose of independent cultivation. In 1936, for instance, nearly 180,000 acres of land were held by garden workers as tenants of the garden proprietors.¹ This factor of land is a great attraction to him because of the rural origin of the labourer, and those gardens where this hunger for land is adequately satisfied are always amply supplied by labour even though the cash earnings are comparatively low. "A fact which must strike every visitor to the Assam plantations" wrote the Royal Commission on Labour "is that comparatively high average earnings do not necessarily mean greater contentment among the labour force; and we visited some gardens in which though the average earnings were comparatively low, the workers appeared to be happy and contented."² The secret of this contentment was the additional concessions enjoyed by the worker, among which land was of primary importance. Other concessions of minor importance are free housing, medical treatment, maternity benefits, free

1. In addition to this land ex-garden workers settle down in Assam on land grants held from the Government. In 1936 about four thousand acres were thus held by ex-garden labourers in Assam. A mention has already been made in detail of this type of land holding in an earlier Chapter.

2. *Report*, p. 384.

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grazing, free fuel, advances without interest and supply of rice at concession rates.

In connection with the contentment of the worker on tea gardens, two other factors may be mentioned which place the garden work on a better and different plan as compared with work in other industries. The first is the agricultural nature of the work, which does not present so much difference of surroundings to the agriculturist immigrant as is naturally felt by the factory labourer in towns. The second great advantage for the labourer is, that he can bring his whole family with him and can obtain employment for his wife and child, while the worker in other industries usually has to remit sums back to his village for the support of his dependents. The effect of these factors has been that in Assam large numbers of families have settled down permanently on gardens. This tendency has also been encouraged by the distance of the labour province from the recruiting areas. Thus the worker in Assam is not of a "seasonal" character, as is the case of workers in factory towns, and even in tea areas of Southern India.

In spite of these additional advantages, however, the power of cash earnings to attract labour should not be minimised. In past years, the low cash earnings in Assam were to a great extent respon-

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sible for the scarcity of labour on the gardens. Since the year 1921-22, the policy of the majority of the planting interests has been to help the labourer in increasing his cash earnings as far as possible. In the year 1920, on account of depression in tea, the overtime wages of the worker fell greatly while the high prices ruling were raising the standard of living. Some employers even tried to cut wages. The result was a series of riots in some of the tea districts of Assam (particularly Darrang and Lakhimpur). In the Surma Valley the unrest culminated in what is known as the Karimganj exodus when large numbers of workers left the gardens. Similar troubles occurred in other places. Some of these troubles were attributed to outside political agitation because of the non-co-operation movement of those days. It, however, appears that on the whole the trouble was economic in some parts advantage of the situation might have been taken by political agitators. Speaking about the troubles of September 1920 in the Doomdooma group of gardens in the Lakhimpur district, the Secretary to the Government of Assam wrote "The Chief Commissioner accepted the view that the cause of the disturbances lay primarily in the failure of tea garden wages to respond to the great increase which had occurred in the cost of living, but considered that a contributory cause was un-

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doubtedly the success of a recent strike on the Dibru-sadya Railway which runs through the Doomdooma area. Many of the managers were convinced that the disturbances were due to the incitement from outside agitators but there was no direct evidence to show that this was the case.¹"

The Assam Labour Inquiry Committee (1921-22) made a detailed investigation of the wage problem and made certain recommendation. As a result the planters began to follow a more liberal policy. Wages gradually rose until the recent economic depression again ushered in an era of falling wages. At present wages stand at a level lower than that of 1920-21, *i.e.*, before the inquiry of the Assam Labour Committee. The statistics of wages were given in the last chapter where the causes of their decline were also indicated. The following table² compares wage movement over a period of

1 *Resolution on Immigrant Labour in Assam, 1920-21*, p 2

2 These averages are obtained by dividing the total monthly earnings (cash only) by the average daily working strength in the months of March and September, the former a typical slack month and the latter a busy month. These averages, however, only represent the amount an average worker could earn if he did not absent himself on a single working day. This condition being hardly ever fulfilled the above figures over-estimate the actual money wages of an average worker.

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about twenty years: -

<i>Year.</i>	<i>Men.</i>		<i>Women.</i>		<i>Children.</i>
1920-21	7	0	0	5 12 7	3 7 10
1925-26	11	10	7	10 6 3	6 10 10
1928-29	13	2	3	10 6 3	6 10 10
1930-31	12	10	7	9 12 2	6 8 8
1933-34	9	9	7	7 4 9	5 7 1
1935-36	6	9	0	5 2 2	3 9 8
1936-37	6	12	9	5 5 9	3 12 10

Thus it will be seen that during the first eight years of the period of sixteen years ending with 1935-36, wages of labourers were almost doubled; during the next eight years they were again halved.

The downward movement started with the depression in 1930. Since 1933-34 when the International Tea Control came into operation leading to restriction of production, the wages have come down very rapidly. No doubt, the cost of living has also fallen during this period but still the fall in wages seems to be excessive. Considering that the above is an average wage for full time work, wages on some of the gardens must be still lower. In fact there are a large number of gardens still in existence where wages are very low and even concessions are not liberally given. This is not surprising considering the fact that the labourers are not organized while 95 per cent of the planting interests are organized under one Association.

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Moreover, the planters have entered into agreements among themselves to prevent 'enticement' of labourers by one planter from the garden of another, and also to prevent arbitrary increase in wages by individual planters. The result of these agreements has been to reduce the bargaining power of the labourer as a free economic agent, with no alternative employment available to him in Assam. This combined with an utter lack of organization on his side, has placed the labourer at the mercy of his employer. The provision of repatriation under the new Act, however, has to a considerable extent improved the position of the labourer. As against this, however, should be put the reduction of demand due to factors already analysed.

Eight years ago the Royal Commission on Labour were definitely of the opinion that "annual earnings in the Assam plantations are higher than those of agricultural workers in most parts of India, and in considerable areas of Assam they appear to be higher than other plantations".¹ At another place they wrote, "we met no one familiar with conditions both in Assam and in the recruiting areas who wished to discourage migration. It is to be feared that some of the

1. *Report*, p. 390.

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opponents of emigration into Assam were interested in preventing labour from strengthening its position in the recruiting areas." Their conclusion was: "Having endeavoured to examine the question from both ends, the source of the labour and its destination we are satisfied that the labourers generally improve their condition by emigration."¹

We are in general agreement with this conclusion of the Royal Commission. But as far as the money wages are concerned their present low level is far from satisfactory even allowing for the factor of depression. The policy of crop restriction has resulted in improvement of the condition of industry. Prices are better, dividends are higher, but this improvement has not reflected itself in the rise of the wage level. In fact restriction of production has depressed wages by reducing chances of extra earnings for the labourer. The table given below brings out this point clearly.

¹ *Report*, p. 362

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Year.	Price of Assam Tea.			Wages of men.			Production. Mill. lbs.
	RS.	A.	P.	RS.	A.	P.	
1928-29	0	11	2	13	2	3	246
1932-33	0	5	1	10	10	4	257
1936-37	0	7	3	6	12	9	223

Percentage fall (—) or rise (+)			
(a) in 1932-33			
over 1928-29	— 54·5	— 19	+ 4·5
(b) in 1936-37			
over 1932-33	+ 42·6	— 36	— 13·0

In the above table prices, wages and production have been compared. Three years have been taken; 1928-29, the year just before the depression; 1932-33, the worst year of depression and the one just before the International Tea Control Scheme (involving restriction of crop during the following years) came into operation; and 1936-37 the latest year for which figures are available.

The conclusions are obvious:—

(a) During the first period while prices fell by 54·5 per cent wages fell only by 19 per cent because production was not restricted.

(b) During the second period while prices rose by 42·6 per cent wages fell by 36 per cent because

of the restriction of crops.

It will be clear, therefore, that although in the long run wages cannot remain high irrespective of the prosperity of the industry yet the very steps that are calculated to improve the position of the industry may involve reduction of wages for the labourer. Under such conditions, therefore, it is easy for the highly organized employers to keep wages at a low level once they have reached it. This brings us to one of the most important recommendations of the Royal Commission, to which little heed seems to have been paid by the employers and the Government.

Wage fixing machine.—This relates to the creation of a wage fixing machinery in the Assam plantations. "The establishment of statutory wage fixing machinery in the Assam plantations, if practicable, is desirable," wrote the Commission, "and there are reasons for believing that if proper methods are adopted, a practicable scheme can be devised".¹ They recommended this machinery because:—

- (i) Labour is unorganized and hence requires protection;
- (ii) A statutory wage has been fixed in the case of Indian labour in Ceylon where the system has

¹ *Report, Appendix I.*, p 521

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worked successfully. "We are satisfied" wrote the Commissioners, "that the position in Assam of the emigrant from Chota Nagpur is not essentially different in this respect from that of the Tamil emigrant in Ceylon".¹

(iii) From the employers' point of view the statutory wage will remove the suspicions prevalent in the recruiting districts against conditions in Assam.

There are some objections as regards the practical difficulties in the way of setting up a statutory wage. The chief of these arise on account of different conditions of soil and work on different gardens, the differences in the efficiency of the workers and the difficulties of taking account of the varying periods of work, their laxity and irregularity under different systems of wage payments. To meet these problems the Commissioners recommended a preliminary inquiry in co-operation with the industry to be instituted for the purpose of collecting data to work upon.

This data will consist of returns of wages paid to each class of worker with reference to the amount of work done and time taken to do that work, etc. On these returns will be calculated the basic rates for each kind of work in each set of

1 Report, p 389

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circumstances, either piece work or time work. The present "Hizira" system and the "Unit" system could be thus easily incorporated in the new scheme. This system in its adaptability to different persons and conditions will, therefore, be radically different and superior to the statutory wage system prevalent under the penal contract, by which a flat monthly minimum rate was fixed without reference to differences in the conditions of work and the efficiency of the worker.

The duty of fixing the basic minimum rates will be entrusted to a Board or Boards as the case may be. This authority, the Commission suggested, should represent the interests of the employers as well as of the labourers. In the absence of any organisation among the workers, it will be necessary for the Government to appoint disinterested persons, who are neither officers nor employers to represent the interests of the garden workers. The Chairman of this Board will be nominated by the Government. To represent the interests of women and children at least one member will be a woman. To reduce the expense, the Commissioners suggested, that the members of the Board would only be paid out of pocket expenses for the time of the sitting and nothing more.

Before the final decision is reached by the Board regarding the basic rates, the rates will be published

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with a view to receiving objections if any, and when finally approved they will be enforced by the local Government. For 'enforcement', the Commissioners suggested, the duties of the factory and wage inspectors should be combined.

We emphatically endorse these suggestions. It is regrettable that no action has so far been taken regarding this recommendation of the Royal Commission. If the Commissioners thought it desirable to create a minimum wage fixing machinery in 1930, when the level of wages was almost double that of to-day, such a machinery should be regarded as most essential under the present circumstances when wages stand so low. It is suggested that the Government should take immediate steps to initiate the scheme on the lines suggested by the Commissioners.

(B) *Sanitation and General Welfare*.—One of the chief motives of Government interference in the past has been to provide for better sanitary conditions of life and work on the gardens. As a result of these measures, the rate of mortality and incidence of disease has been greatly reduced. "Generally speaking" wrote the Royal Commission, "the death and infantile mortality rates of plantation population are considerably lower than the corresponding rates of the respective provinces as a whole. This seems to indicate that both economic

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and general health conditions are of a higher standard than those in the average rural or urban area.¹" About the general physique of labourers, they wrote, "Apart from the gardens where malaria and hookworm were rife, the physique of plantation labourers and their families appeared to us to be satisfactory and the general standard is certainly higher than that of the population of the recruiting areas."

As in the case of wages, conditions of health and sanitation differ on different gardens. On the better managed gardens, conditions are as satisfactory as they possibly can be under the circumstances. Great care is taken of the diet supplied especially to newcomers and those who become sick. Hospital accommodation with expert medical assistance is provided, in case of need. Houses are constructed on high sanitary ground, and proper attention is paid to ventilation and drainage. Satisfactory arrangements are made for adequate water supply for drinking purposes. As regards housing, the Royal Commission wrote, "Considerable improvements in the housing of labourers have been effected during the past few years; but more requires to be done especially on

1 *Report*, p 405 These remarks of the Commission are as true to-day as they were in 1930

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the more backward plantations and generally in levelling up standards.¹"

The chief diseases prevalent on tea gardens are the hookworm and malaria. The former disease has been combatted on some gardens by managers, on the recommendation of their medical officers by annual mass treatment of their labour force. Malaria is responsible for greater amount of sickness and general lowering of vitality of the worker. Gardens, where the incidence of malaria is high, are most unpopular while healthier ones are popular even if wages are low. "In one garden which we visited" wrote the Royal Commission, "Where the incidence (of malaria) was very low, it had been unnecessary to do any active recruitment for over 20 years. In another the manager admitted that his labour force was infected 100 per cent with malaria and that very little anti-malarial work had been undertaken."² The Indian Tea Association, however, makes generous grants to the Calcutta School of Tropical Medicine to assist its researches on malaria and hookworm disease, and also helps to finance a successful campaign against Kala-azar.

In the case of larger gardens medical facilities are satisfactory. Usually a group of 10—15 gardens

1 *Report*, p. 409

2. *Report*, p. 406

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is under the control of an expert medical officer with compounders in individual garden dispensaries. The medical officer visits these gardens once or twice a week. In the smaller gardens the conditions are not satisfactory. The compounder takes the place of the medical officer and the stock of medicines is at the minimum. The Royal Commissioners recommended the establishment of central hospitals over particular areas, with smaller institutions on individual gardens. They also recommended the appointment of women doctors for the treatment of women and advocated Maternity Benefit¹ Schemes for women workers.

In addition to these sanitary arrangements, welfare work is also carried on in some gardens e.g., free feeding of small children, supplying mothers with blankets, regular weighing of infants. On some gardens, attempts have been made to provide recreation and entertainment to workers in the form of cinema shows, sports and tribal dances. These activities deserve encouragement. In connection with general welfare, the Royal Commission recommended the establishment of welfare centres

1 In some cases a lump sum is given to the mother after the child is born, in others an allowance is given for 4 to 8 weeks after her confinement. The Royal Commission was of opinion that such benefits should be made compulsory by law.

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and also laid stress on the provision of educational facilities for children. This latter recommendation has been carried out on most gardens where schools for children now exist.

For the supervision of health and welfare, the Royal Commissioners recommended the establishment under statute, of Boards of Health and Welfare for convenient areas. "Each Board" they suggested "should have a majority of planter representatives who should be elected by their Associations but care should be taken to ensure that minorities *e.g.*, unorganized employers, receive adequate representation. In addition, the Board should include a collector or Deputy Commissioner from the districts covered, the Director of Public Health, the district health officer, and persons nominated by the local Government with a view to provide adequate representation of the workers."¹ This will ensure co-operation of Government Health Department and the industry which is lacking at present. The greatest benefit will result from the fact that the industry itself will be entrusted with responsibility. "We believe" wrote the Commissioners, "that in respect of plantations the sense of responsibility, combined with the powerful force of enlightened self-interest, re-

¹ *Report*, p 418.

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inforced by the knowledge of local conditions and problems which only those in control can bring should produce a much more rapid advance in measures for the health of the workers than would be achieved by State compulsion."¹ The Board will be financed by means of an annual cess levied on all plantations.

The Act constituting the Boards will prescribe their duties in some detail, in connection with matters in respect of which they will be empowered to issue regulation. Within this category for instance will fall:—

- (i) the provision of drinking water;
- (ii) the provision of conservancy, sanitation and drainage;
- (iii) the provision of medical facilities;
- (iv) the prescribing of minimum standards of new housing accommodation.²

The regulations issued by these Boards will be enforced by the Government and the district health officers, who will be *ex-officio* members of the Boards will act as Government inspectors of the plantations. They will make such suggestions to the Director of Public Health as they consider advisable and will deal with breaches of public

1 *Report*, p. 418.

2 *Report*, p. 422.

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health laws and regulations on estates.¹

(c) *Relations between the employer and the labourer.*—In the early days of the industry as we saw in a previous chapter, there prevailed great mistrust between the employer and the worker on tea gardens. The penal nature of the contract put the worker in an inferior position from the start and the repulsive conditions of life also tended to create a spirit of discontent. The labourer, therefore, often left the garden without notice and without caring for his contract. The planter regarded him as a prospective 'absconder' and tried to keep him on gardens by constant watch and guard and various restrictions. The Government made matters worse by giving the planter the right of private arrest.

These conditions improved gradually as time went on. The chief factors that brought about improvement were: (i) Better class of planters that came with the progress of the enterprise; (ii) improvements in the conditions of life on gardens in general ensured by Government regulation; (iii) improvements in the means of communication that brought in better understanding of the Province of Assam; (iv) removal of the legally inferior

1 As far as the present writer is aware no action has been taken on this recommendation of the Commission

EMIGRANT LABOUR FOR ASSAM TEA GARDENS

status of the labourer; (v) realisation of the value of labour by the industry and competition of other industries for it.

In the best of the gardens now, therefore, the labour force is happy and contented because of these factors and a better understanding on the part of the planters. There are, however, many gardens still in existence where the old fashioned methods prevail. According to the late Labour Commission all sorts of restraints are put on the workers' movements. Free access is not allowed to the labourers' lines and whenever a manager considers it necessary "a watch is maintained on visitors and there are always Chaukidars part of whose duty is to observe movements to and from the lines....In speaking of a labourer who goes without permission, the term universally used is "abscond" and this term reflects accurately the position in which the labourer on some gardens finds himself when he wishes to seek employment elsewhere."¹

In addition to these direct restrictions the scope of the liberty of the worker to dispose of his labour where he wished is greatly narrowed down by an agreement among the employers referred to as "labour rules" according to which in the case of a

¹ *Report*, p 377

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labourer moving from one employer to another, the latter has to pay a penalty for "enticement" and is required either to eject the labourer or to pay all the costs of his recruitment and any other outstanding advance. The result of this policy combined with the lack of organisation on the part of the labourer has been to increase the temptation to resort to a policy of restrictions in order to retain labour. In addition to these "labour rules", there are "wage agreements" among the employers by which a more or less uniform rate of wages is fixed. This leaves no scope for the worker to move from one garden to another and thus reduces greatly his bargaining strength as an economic agent.

Thus the labourer still finds himself in a weak position as against his employer. Ninety-five per cent of the employing interests are organized into a single body *i.e.*, The Indian Tea Association, which gives them a tremendous advantage over an illiterate mass of about one million persons scattered about in isolated tea gardens, with no common focal point to converge their energies and aspirations. They are literally at the mercy of their employers. The scarcity of labour, and the difficulty and expense of importing it, along with the competition among the employers and the vigilance of the Government in the past considerably softened,

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what might have been the consequences of this weak economic position of the labourers. Now that the demands of the industry are not so pressing and local labour force is reducing the necessity of immigration from outside, and along with the penal contract most of the legislative control from garden life has disappeared, it is feared that the employing interests pressed by the need of economy under existing conditions might relax their efforts to offer attractive terms to their labourers. This tendency seems to be already visible considering the enormous fall in the wage level in recent years. In the absence of this economic pressure, there are only two alternatives by which the welfare of the labourer can be insured. The most satisfactory remedy would be the emergence of some sort of a trade union movement among the labourers. This, at present seems to be out of question. In addition to the handicaps of illiteracy and lack of leadership from within, which are common to all the labour force in India, the tea worker suffers from the additional disadvantage of being scattered about in isolated teaestates; removed from all the stimulating influences of town life, and faced with a very powerfully organized class of employers.

In the absence of their own organization, the labourers can only look to the helping hand of the

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state as in the past. The representation to tea labour granted in the Provincial Assembly, meagre though it is, may open up possibilities of the emergence of the right type of leadership, but so long as this does not happen, it is necessary that Government should exercise some control on the wage level and general conditions of sanitation and housing on gardens.

CHAPTER XII

SUMMARY AND CONCLUSIONS

THE purpose of this historical survey was to see, how far the policy of legislative control over the movement of labour to Assam Tea Gardens has benefitted, on the one hand the industry by ensuring a constant supply of labourer of good quality, and on the other the labourers themselves by ensuring conditions of sanitation and welfare *en route* and on gardens, and also by providing them a decent remuneration for work on tea estates.

Three stages may be observed in the process of emigration to Assam Tea Gardens: *viz.* (a) Recruitment. This extends from the time the prospective emigrant is induced to leave his native place to the time when he is brought before the forwarding agency. (b) Forwarding. This refers to the system by which the labourers are conveyed to Assam Tea Gardens—their collection in the depots and transport by railway or steamer, as the case may be, and proper supervision of their needs and comforts during this stage. (c) On gardens. This stage lasts as long as the labourer is employed on tea gardens

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for work. This raises problems of his wages, conditions of work and payment, housing, water supply, medical aid, general welfare, and finally repatriation if he wants to return to his native place. Let us see in what manner Government interference has influenced each of these stages and solved the problem involved in each:

(a) Recruitment (b) Forwarding. The first two stages may be taken together. Before Act III of 1863 was passed, recruitment and forwarding were entirely free. The result was the emergence of an unscrupulous class of contractors who profited by the pressing needs of the industry on the one hand and the ignorance of the labouring class on the other. Ultimately the viciousness of this system attracted the attention of the Government and following the investigations and recommendations of the Committee of 1862, Act III of 1863 was passed. This Act provided for compulsory licensing of contractors and recruiters, medical examination of the emigrant, licensing and victualising of steamers. The licensed contractor, however, was no better than the unlicensed one, nor were his recruiters any better. Medical inspection only certified that the labourer was fit to go to Assam, irrespective of the fact, whether he was fit to work there. The prime necessity was to prohibit recruitment through contractors and his recruiters. This desirable reform

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took a long time to come and was only made effective in 1915. In the meantime, old labourers or garden sardars were recognized as a recruiting agency, side by side, with the contractors' agency. This was done first by Act II of 1870 and was further confirmed and regulated by Act VII of 1873. Act VII of 1873 introduced another innovation of encouraging free emigration to Assam by recognizing a class of free labourers under contract not exceeding one year. This provision, however, remained a dead letter. Free emigration, however, was more definitely encouraged by the measure that followed *i.e.* Act I of 1882, which allowed emigrants to go to labour districts without entering into any contract and allowed them to enter into contracts there, either under the Act or without it. The garden sardar and the contractor still continued but successive legislative measures tended to relax the restriction on the former agency while tightening them up in the case of the latter. The abuses of free emigration, however, led at first to the amendment of the Act of 1882 by Act VII of 1893, and later its replacement by a new measure, Act VI of 1901. Act VI of 1901 allowed local governments to prohibit unlicensed recruitment and placed several restrictions on licensed recruitment. Spontaneous emigration especially to Surma Valley was not interfered with, though some

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control was exercised on garden sardars securing recruits, outside the provisions of the Act. During the period of about 30 years that this Act was in operation, it was amended and altered several times making fundamental changes in its operation.

After the prohibition of recruitment by contractors in 1915, the only recognized agency for assisted recruitment came to be the garden sardar. The position became so anomalous that on the recommendation of the Royal Commission on Labour, a new Act (XXII of 1932) had to be passed. Under the present Act, recruitment before the forwarding stage has been freed of restrictions. As regards forwarding each Act repeated with modifications, wherever required, the provisions about constituting depots for forwarding of recruits and medical and food arrangements in them and throughout the journey to Assam. The result was that the mortality *en route* to Assam which was enormously high when first it attracted the attention of the Government has become negligible now.

(c) As regards conditions of life and work on gardens. The fundamental problem to be solved was how to ensure a decent remuneration to the labourer on the one hand, and how to satisfy the employer on the other that the expensively recruited worker would stick to his garden on arrival in Assam. To attain the former end, minimum rates

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of wages were provided for, firstly by Act VI of 1865 and subsequently by the measures that followed. These rates were flat monthly rates (in some case varying with the increase of the period of stay) to be paid contingent on the performance of work for the period. The rates, however, were rather low and thus did not much benefit the worker. The only thing that helped him in this direction—disorganized as he was—was the pressing demand of the industry for labour. The provision for minimum wage disappeared with the disappearance of the penal contract. This latter was the method by which the employer was made secure against the labourer deserting him. Breaking of contract by labour, was a criminal offence under this system. If the employer broke it, it was only a civil offence. This system was responsible more than all the other factors put together for the great prejudice that prevailed against the Assam tea industry for over half a century. The system finally disappeared in 1926 with the repeal of Act XIII of 1859. As far as Act VI of 1901 was concerned, penal contract had disappeared from 1915, when the chapter containing the Labour Districts Provisions ceased to apply to the remaining four districts of Assam.

Along with the penal contract as already noted disappeared the provision of minimum wage. The

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new Act contains no such provision. Fixing of a minimum wage has became more essential now than ever before, because, due to depression and growth of local labour supply, the demand for imported labour has been considerably reduced. This one factor that used to help the unorganized labourer—the factor of keen competition among employers—has also disappeared. The recent serious fall in the wage level seems to confirm this view. The necessity of evolving a wage fixing machinery on the lines laid down by the Royal Commission is, therefore, indicated.

As regards the other factors, on which depends the general welfare of the labourers on gardens, the various legislative enactments have succeeded in compelling the planters—at least those who required compulsion—to provide various facilities for the health and happiness of their labour force.

The late Labour Commission recognizing that on the best of the gardens, admirable attempts have been made for the welfare of the labouring class, emphasised further the necessity of: (a) keeping returns of births and deaths; (b) more generous allocation of land for grazing and cultivation; (c) more active policy regarding anti-malarial work; (d) better spacing of houses and improved construction; (e) construction of bathing and washing places; (f) annual mass treatment for

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hookworm disease; (g) adequate latrine arrangements; (h) appointment of women doctors for training and supervision of midwives; (i) legislative enforcement of maternity benefits; (j) general adoption of the practice of feeding non-working children; (k) appointment of health visitors; (l) prohibition of employment of children below the age of ten; (m) provision for the education of children; (n) provision for inspection of gardens and (o) constitution of Boards of health and welfare.

As already noted, most of the above facilities and provisions exist in varying degrees on different tea estates. A general equalization and raising of standards, however, is imperative. And we can do no more than endorse the expert advice of the Royal Commission.

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